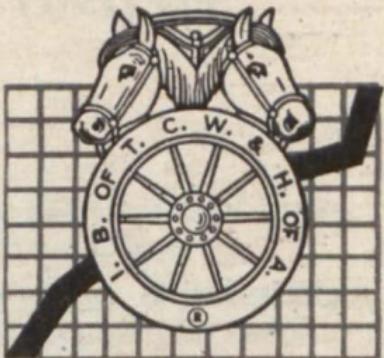


Constitution

Adopted by the
Miami Beach, Florida Convention
July 5-8, 1971



INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WARE-
HOUSEMEN AND HELPERS OF AMERICA



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CONSTITUTION AND BYLAWS
of the
International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers of America

Preamble

As almost every improvement in the condition of the working people was accomplished by the efforts of organized labor, and as the welfare of workers can best be protected and advanced by their united action in one great labor organization, we have organized the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

ARTICLE I

NAME

Section 1. This organization shall be known as the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and shall consist of an unlimited number of Local Unions chartered by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

The principal and main office of the International Union shall be located at such place as is designated by the General Executive Board.

Objects

Section 2. The objects of this International Union are to organize under one banner all workmen engaged in industry; to educate them to cooperate in every movement which tends to benefit the organization; and to impress upon our membership, employers and the public that it is to the advantage of all concerned that workers be organized. The organization of our industry requires honest and intelligent membership, adapted to the business. We teach our membership the advantage, benefits and importance of their industrial position, and we endeavor to build up and perfect a labor organization in conformity with the highest standards of our American and Canadian citizenship. We seek to improve the industry by increasing the efficiency of the service and by instilling confidence, good will and understanding between our membership and their employers, which will have the effect of preventing unnecessary conflicts or serious misunderstandings between the membership and their employers, and which will further encourage cooperation and fair dealing with all employers so as to secure for our membership reasonable hours, fair wages and improved working conditions.

The objects of this International Union are also to secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through advancement of our standing in the community and in the labor movement through legal and economic

means, and all other lawful methods; to provide educational advancement and training for employees, members and officers; to safeguard, advance and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people by political, educational, and other community activity; to engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social and other activities which further the interests of this organization and its membership, directly or indirectly; to provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization; to engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly; to protect and preserve the International Union as an institution and to perform its legal and contractual obligations; to receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in this International Constitution and Bylaws and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

It is recognized that the problems with which this labor organization is accustomed to deal are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above

ART. II, SEC. 1

and as the Union may determine from time to time; we therefore determine and assert that the participation of this labor organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein are for the sole benefit of the organization and its members.

ARTICLE II

JURISDICTION, MEMBERSHIP AND ELIGIBILITY TO OFFICE

Jurisdiction

Section 1. This organization has jurisdiction over all workers including, without limitation, teamsters, chauffeurs, warehousemen and helpers; all who are employed on or around horses, harness, carriages, automobiles, trucks, trailers, and all other vehicles hauling, carrying, or conveying freight, merchandise, or materials; automotive sales, service and maintenance employees; garage workers and service station employees; warehousemen of all kinds employed in warehouse work, stockmen, shipping room employees, and loaders, that is, persons engaged in loading or unloading freight, merchandise, or other materials on to or from any type of vehicle; all classes of dairy employees, inside and outside, including salesmen; brewery and soft drink workers; workers employed in ice cream plants; all other workers employed in the manufacture, processing, sale and distribution of food, milk, dairy and other products; all truck terminal employees; and cannery workers.

Membership

Section 2 (a). Any person shall be eligible to membership in this organization, provided that hereafter no person shall be eligible for membership in the International Union who has willfully refused to become a citizen of either the United States or Canada or the country in which his Local Union is chartered, at his option.

(b). Persons who own, lease or operate a team or vehicle and/or perform any other work may be eligible for membership in this International Union. If, however, any Local Union can prove to the satisfaction of the General President that the membership of such individuals would be detrimental to the welfare of the Local Union, it may present such facts to the General President for authority to refuse to accept such persons as members. The General President shall consider all the facts and circumstances and render a decision in the matter, subject to appeal to the General Executive Board, which shall be binding on the Local Union.

(c). The foregoing provision shall apply with equal force to so-called "vendors" and "owner-equipment drivers." A "vendor" is a person who purchases products and sells the same on his own behalf. An "owner-equipment driver" is a person who, in connection with his employment, uses equipment sold or leased to him by his employer or equipment which he has purchased independently but which he uses in whole or in part in the service of his employer. When such persons apply for membership

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in the International Union, the Local Union and the International Union shall have the right and authority as a condition precedent to membership to approve or disapprove any contract pertaining to such form or similar form of employment.

(d). All contracts hereafter renewed or entered into, pertaining to such form or similar form of employment, shall likewise be subject to such approval or disapproval of the Local Union and International Union. If in the judgment of the Local Union or International Union, such employment contract will constitute a reduction in the union wage scale then prevailing for such service without "owner equipment," the same shall not be approved by the Local Union, and such persons shall be ineligible to membership or, if members, shall cease to work under such conditions or be subject to suspension or expulsion by the Local Union or International Union.

(e). The General Executive Board is empowered, when necessity arises, to change, alter and amend any provision of paragraphs (b) through (d) inclusive of this Section.

(f). Local Unions and other subordinate bodies are authorized, through duly adopted Bylaws and with the approval of the General President, to place such specific limitations as the circumstances warrant on the right of members who hold supervisory positions to hold office and participate in the affairs of their organizations.

(g). No Local Union or other subordinate body shall exclude or expel from membership or other-

wise discriminate against any individual, or cause or attempt to cause any employer to discriminate against any individual, because of his race, color, religion, sex, age or national origin, nor limit, segregate or classify its membership, or classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment because of such individual's race, color, religion, sex, age or national origin.

(h). No member may resign from his membership in the International Union or any subordinate body before he has paid all dues, assessments, fines and other obligations owing to the International Union and all its subordinate bodies, and no resignation shall become effective until such payment.

Section 3 (a). No person who actively advocates the overthrow of a federal, state or provincial government by force or violence, or is a member of any party and knows of and actively advocates its purpose to overthrow a federal, state or provincial government by force or violence, shall be allowed to hold membership in the International Union or any of its subordinate bodies. If any such person obtains Union membership, or after having been admitted to Union membership advocates the overthrow of a federal, state or provincial government by force or violence, or becomes a member of a party and knows of and actively advocates its purpose to

overthrow a federal, state or provincial government by force or violence, he shall be expelled from membership upon the filing of charges and the conduct of a trial in accordance with the applicable procedures set forth in Article XIX.

(b). The action of the Local Union Executive Board is final and binding, with the understanding that either party has the right to appeal in accordance with this Constitution, subject to the following provision: if, in the opinion of the General President, the above Section has not been complied with in principle and intent by the Local Union or its executive officers, he or someone appointed by him or acting for him, shall be empowered to reopen and review the case and, if he deems it advisable, he or his representative shall be empowered to transfer the case to the General Executive Board. If the General Executive Board returns a decision of guilty, the decision shall be final and binding.

Eligibility to Office

Section 4 (a) (1). To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office for a period of twenty-four (24) consecutive months prior to nomination for said office. "Continuous good standing" means compliance with the provisions of Article X, Section 5 concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in the Local Union for which

office is sought because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments.

A Local Union in its Bylaws may require that a member, to be eligible for election to any office in the Local Union, must have attended a minimum number of the regular or divisional meetings of the Local Union, but not to exceed fifty percent (50%) during the twenty-four (24) consecutive months prior to nomination. Any Local Union in which a meeting attendance requirement is in effect shall keep accurate records reflecting those members who are in attendance at each meeting and shall enact, after proper notice to its members, either a bylaw amendment or an appropriate motion exempting from the attendance requirement any member who, because of illness, regular employment, or other good cause, is unable to attend a meeting. Any exemption system shall be uniformly and fairly applied.

(2). To be eligible for election to any office in a Local Union, a member must have complied with the requirements of Section 4 (a) (1) and in addition must have worked for a period of two (2) years as a member under the jurisdiction of the Local Union in which he is seeking office; provided, however, that the General Executive Board, upon good cause shown, may waive the requirement of having worked under the jurisdiction of the Local Union for the two (2) year period.

(3). To be eligible for office in the International Union, or a subordinate body other than a Local

ART. II, SEC. 4

Union, a member must be in continuous good standing in the Local Union in which he is a member for a period of twenty-four (24) consecutive months prior to nomination for said office.

(4). The requirement of continuous good standing and working in the jurisdiction and the obligation to take a transfer card or an honorable withdrawal card as provided in this Constitution shall not be applicable to any officer or employee during a leave of absence granted to such officer or employee with the approval of the Local Union Executive Board.

(b). In newly chartered Local Unions which have been in existence for less than twenty-four (24) months, a candidate for Local Union office must be a member and in continuous good standing in such Local Union and must have worked under its jurisdiction as a member for at least half of the period of time since the Local Union was separately chartered by the International Union.

(c). In newly chartered Local Unions, chartered as a result of split-off or merger, a candidate must be a member of the newly chartered Local Union, must have worked in the jurisdiction for a total period of two (2) years, and for a total period of twenty-four (24) consecutive months prior to nomination must be in continuous good standing on a cumulative basis in the newly chartered Local Union and the Local Union from which the newly chartered Local Union was split off or with which the newly chartered Local Union was merged.

(d). To be eligible for election to any office in a Local Union a member who has been transferred from one Local Union to another Local Union as a result of merger or the dissolution of his former Local Union must have worked for a total period of two (2) years on a cumulative basis as a member under the jurisdiction of the Local Union in which he is a member and the Local Union from which he has been transferred, and must have been in continuous good standing on a cumulative basis in both Local Unions for a total of twenty-four (24) consecutive months prior to nomination.

(e). The requirement herein of having worked in the jurisdiction as a member shall not be construed to prevent any member holding Local Union office or employed as a full-time organizer for the International Union at the time of the 1952 International Convention from being eligible for subsequent elections to office in a Local Union or election to office in the International Union or any subordinate body or as a delegate to International Conventions.

(f). The eligibility requirements of subparagraphs (a) (1) and (2) of this Section 4 shall apply to members of Local Union Executive Boards, elected Business Agents of Local Unions, delegates to Central Bodies or other subordinate bodies of this International Union, and delegates to all conventions of labor and to the Conventions of the International Brotherhood of Teamsters.

(g). Elected officers of the International Union, Local Unions and other subordinate bodies shall be

ART. III, SEC. 1

delegates to other subordinate bodies, Conventions of the International Brotherhood of Teamsters, and all other conventions by virtue of their office and in accordance with applicable provisions of this Constitution and the Bylaws of such other subordinate bodies.

(h). The General Executive Board, upon good cause shown, may waive any or all the eligibility requirements of this Section 4 in connection with an election being conducted in a Trusteed Local Union as a preliminary step to the release of the Local Union from Trusteeship pursuant to the provisions of Article VI, Section 5 (f).

ARTICLE III

CONVENTION AND REPRESENTATION

Conventions

Section 1. The International Convention shall be the supreme governing authority of the International Union and shall have the plenary power to regulate and direct the policies, affairs and organization of the International Union.

The Convention of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America shall be held every five (5) years at such time and place as may be designated by the General Executive Board upon the recommendation of the General President. The General Secretary-

Treasurer shall issue a Call for the Convention not less than ninety (90) calendar days prior to the date of meeting, unless otherwise directed by the General Executive Board. In the event of an emergency as determined by the General Executive Board which prevents the holding of a Convention in accordance with the provisions herein set forth, the same shall be held as soon thereafter as possible, in accordance with the intent and spirit of this Constitution.

Any challenge to the Call of the Convention, the method of delegate selection, or the Convention procedures prescribed in such Call, must be filed in writing with the General Secretary-Treasurer within thirty (30) days of issuance of the Convention Call.

Basis of Representation

Section 2. Each Local Union having one thousand (1000) members or less shall be entitled to one (1) delegate, and one (1) delegate for each additional seven hundred fifty (750) members or major fraction thereof, but in no case shall a delegate have more than one (1) vote, even though he may also be a delegate from the International Union or from more than one subordinate body. No proxy vote will be allowed. (See also Article VII, Section 5.)

Requisites for Representation

Section 3 (a). Except as provided in Section 3 (c), no Local Union shall be entitled to representation in the Convention that has not been chartered, affiliated and in good standing for a total of six (6) months prior to the opening of the Convention.

(b). No Local Union shall be entitled to representation in the Convention which at the time of the Call of the Convention is six (6) months or more in arrears in moneys due to the International Union or to any subordinate body thereof with which such Local Union is affiliated, or which, if less than six (6) months in arrears, has not paid all such arrearages in full at least three (3) days prior to the opening of the Convention, excepting those moneys due for the last month, which amounts must be paid by the beginning of the Convention. If the circumstances warrant, the General Executive Board may waive any of the foregoing requirements.

(c). The General Executive Board is empowered to grant full representation to any Local Union which has been affiliated with the International Union for less than six (6) months when such Local Union was formerly an independent Local Union or was formerly affiliated with an international union other than the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, or was chartered as a result of split-off or merger.

Expenses of Delegates

Section 4. Each subordinate body shall pay the expenses of its delegates to the International Convention or may make arrangements for such payment of expense by agreement with other subordinate bodies.

Election of Delegates and Alternates

Section 5 (a) (1). All officers and Business Agents

elected in accordance with Article XXII shall by virtue of such election be delegates to any International Convention which may take place during their term of office. If at the time of the receipt of the Convention Call it shall appear that such number of elected officers and/or elected Business Agents (if any) is less than the number of delegates which the Local Union will be entitled to at an International Convention, then arrangements shall be made for nomination and secret ballot election of an additional number of eligible members as Convention delegates. The Local Union Executive Board shall determine in all instances how many alternate delegates shall be designated, and this determination shall not be subject to membership disapproval. Where the election of additional delegates and/or alternates is required in the application of the above provisions, said alternates shall be separately nominated and elected and no eligible member shall be nominated for both delegate and alternate. To the extent that the Local Union sends additional delegates, they shall be selected in the descending order of the votes received, starting with the candidate receiving the highest number. The alternate receiving the highest number of votes shall be the first alternate and shall be entitled to substitute for any delegate unable to attend the Convention; the alternate receiving the second highest number of votes shall be the second alternate and so forth.

(2). If the total number of officers and elected Business Agents (if any) is greater than the number which the Local Union is permitted to send to the

ART. III, SEC. 5

Convention, then the Local Union Executive Board shall designate from among such elected officers and elected Business Agents (if any) those who are to attend as delegates and alternates, and this designation shall not be subject to membership disapproval.

(b). The designation of Convention delegates by the Local Union Executive Board as provided in Section 5 (a) shall be made during the period from the receipt by the Local Union of the Convention Call up to the thirtieth (30th) day preceding the first day of the Convention. In the event of disability of a delegate to attend the Convention, the Executive Board of the Local Union may designate a substitute from the alternate delegates provided for above.

(c). Each delegate or alternate must meet the same eligibility requirements as are imposed for election to Local Union office. This, however, must not be construed so as to bar the eligibility of salaried officers of Local Unions or officers of the International Union. All International officers, organizers, and auditors who have worked continuously for one (1) year or more shall be entitled to all the privileges of regularly credentialed delegates, but shall not be permitted to vote for officers unless they have been elected by secret ballot, or unless they are permitted by law to do so; provided that this shall not be construed to make eligible for International office any organizer or auditor who is not otherwise eligible through having worked within the jurisdiction for

such a length of time as to have made him eligible for International office as provided in this Constitution.

(d). All secret ballot elections required by this Section shall be in compliance with applicable law relating to the nomination and election of Local Union officers.

(e). Joint Councils and State and Area Conferences are entitled to one (1) delegate each, to be selected by the Executive Board of the Joint Council or Policy Committee of the Conference from officers elected by secret ballot as provided in Article III, Section 5 (a).

Credentials

Section 6 (a). Upon receipt of the Convention Call and after the designation or election of delegates or alternates, if required, the Secretary-Treasurer of each Local Union shall forward the names of the delegates and alternates and a photostat of the ledger card showing their record of dues payment to the General Secretary-Treasurer. Each delegate shall present his credentials properly signed by the President or Secretary-Treasurer or, if both are unavailable, by any elected officer. He shall also present evidence establishing that he is a member in good standing and entitled to a seat in the Convention. The General Secretary-Treasurer shall publish a list of delegates at such time as it appears practicable to him to do so.

(b). All credentials and ledger cards must be in

ART. III, SEC. 7

the Office of the General Secretary-Treasurer thirty (30) days prior to the opening of the Convention.

Credentials Committee

Section 7 (a). The General President shall, preceding each Convention, appoint from the delegates-elect a committee of not less than seven (7) to act as a Credentials Committee. Said Committee shall meet at the place of holding the Convention five (5) days prior to the opening of the Convention. The General President or his representative and General Secretary-Treasurer shall also be members of said Committee. To this Committee shall be referred all credentials. This Committee shall have a partial or complete report in writing ready for the Convention when it opens. All hearings of the Credentials Committee shall be held in the Convention city.

(b). It shall be the duty of the Credentials Committee to examine credentials and to make the initial decision on challenges. It shall be presumed that all delegates who have submitted credentials in the form required to the General Secretary-Treasurer or to the Credentials Committee have been properly selected as delegates from their subordinate body, and such delegates may vote upon the acceptance or rejection of the Credentials Committee's report, in whole or in part, and on other matters which come before the Convention. Only those delegates who are present and seated at the time the report of the Credentials Committee is submitted may vote upon the acceptance or the rejection of such report.

(c). The appointed members shall receive as com-

pensation for their extra services such expenses and remuneration as the General Executive Board may determine.

Constitution and Other Committees

Section 8. The General President is authorized to appoint from the membership a Constitution Committee which shall prepare proposed amendments to the International Constitution for submission to the Convention. The General President at his discretion is also authorized to appoint such other committees from the membership as he may determine will facilitate the work of the Convention. The appointed members shall receive as compensation for their extra services such expenses and remuneration as the General Executive Board may determine.

Amendments to Constitution; Resolutions

Section 9 (a). Thirty (30) days prior to each Convention, Local Unions, Local Union officers, members in good standing, or the general officers shall have the right to send to the General President proposed amendments or additions to the Constitution, or resolutions, which shall be submitted to the Constitution Committee when it meets. This shall not deprive delegates to the Convention of their right to propose amendments or additions to the Constitution during the Convention or to submit resolutions or amend resolutions during the Convention in accordance with the rules governing the Convention. However, in all instances a proposed amendment or addition to the Constitution, or a resolution or

amendment to a resolution shall be referred to the Constitution Committee.

(b). Amendments to the Constitution and all other action of the Convention shall be adopted by a majority vote of the delegates present, seated and voting at the time of submission of the amendment or other proposed action to the Convention. Amendments shall become effective immediately upon their adoption unless otherwise specified in any particular amendment adopted by the Convention.

(c). The General Executive Board shall have the power, following Convention adoption of amendments to this Constitution, but prior to printing thereof, to make such typographical, grammatical, and punctuation corrections, rearrangements and re-numbering of articles and sections, or otherwise, including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments so adopted.

(d). The General President shall determine and may change the order of business at the Convention at any time.

(e). The time within which certain actions must be taken as set forth in this Article, other than the time of holding the International Convention, may be waived by the General President and General Secretary-Treasurer upon good cause shown, with a right of appeal to the General Executive Board.

Quorum

Section 10. A quorum shall consist of the dele-

gates present and seated at any session of the Convention. A session of the Convention is the period following the call to order in the morning until the luncheon recess, or the period following the luncheon recess to adjournment for dinner, or the period following the dinner recess, as the case may be.

Section 11. In addition to the method of amending this Constitution set forth in Section 9 above, this Constitution may also be amended on petition of not less than ten per cent (10%) of the total membership of the International Union, based on the per capita report for the month of December preceding the year in which the petition is first circulated, setting forth the proposed amendment. All persons signing such petition shall have been members in good standing as of the date they sign such petition and they shall affirmatively so represent in the petition. The petition shall include the Local Union number, ledger card, home address of the member, and date of each signature. The petition shall be filed with the General Secretary-Treasurer by November 1 of the year in which the petition is first signed.

In order to avoid duplication of expense and effort the General Executive Board shall accumulate all petitions filed in accordance with this provision until November 1 of the calendar year in which they are filed with the General Secretary-Treasurer's office, after which time, if the petitions are found to be in compliance with the requirements of this Constitution, they shall be sent out

ART. IV, SEC. 1

for adoption or rejection by secret ballot referendum under such rules and procedures as shall be prescribed by the General Executive Board.

Any amendment which is not adopted by majority vote of the members voting shall not be submitted again until the next Convention or thereafter.

Any amendment duly approved by a majority of those voting, provided that fifty percent (50%) of the membership votes, shall become effective on the 1st day of the second month following certification of approval, unless the proposed amendment sets forth a later effective date.

The General Executive Board is empowered to make such changes and additions to this section as may be required by order of a court of competent jurisdiction or applicable law.

Article III, Section 11 was adopted by the Convention as a direct result of a Court order which the International Union, on instructions of the Convention, is appealing to a higher Court.

ARTICLE IV

OFFICERS, DELEGATES AND ELECTIONS

International Officers

Section 1 (a). The officers of the International Brotherhood of Teamsters shall consist of a General President, General Secretary-Treasurer, fifteen (15)

Vice Presidents, and three (3) Trustees. The General President, the General Secretary-Treasurer, and the fifteen (15) Vice Presidents shall constitute the General Executive Board.

(b). Vice Presidents shall be known as First, Second, Third, etc., in accordance with their seniority on the General Executive Board.

(c). Not more than one (1) Vice President from any one (1) state, Canadian province or similar governmental subdivision of another country can be elected to hold or appointed to a position entitling him to a seat on the General Executive Board, provided that this provision shall not disqualify any member of the General Executive Board as of the 1961 Convention from continuing in such position and from eligibility for re-election at the 1961 and subsequent Conventions. The officers of the International Union shall as nearly as practicable be uniformly distributed throughout the entire country.

(d). The term of office of all International Union officers shall be five (5) years, or the interval between regular Conventions, whichever is the longer, and until their successor is qualified and sworn, subject however to the provisions of Article IX, Section 8.

Election of Officers

Section 2. All nominations for International offices shall be made in open Convention.

Elections for the offices of General President, General Secretary-Treasurer and Trustees shall be by

ART. IV, SEC. 2

roll call where there is more than one (1) candidate for any office. No roll call vote shall be necessary where there is only one (1) candidate for such office and such candidate shall be declared elected. It shall require a plurality of all votes cast to constitute an election. This shall not apply to Trustees, but in their election each delegate must vote for three (3) candidates for Trustees and the three (3) candidates receiving the highest number of votes shall be declared elected. No roll call vote shall be necessary where only three (3) candidates are nominated for Trustees, and the three (3) candidates shall be declared elected.

Election for each of the offices of Vice President shall be by division of the house.

By "division of the house" is meant the following. The Chairman will first call for a show of hands among only those delegates who have been elected by secret ballot vote in their Local Unions as required by law. The names of the candidates for the office shall be called in the order of their nomination. If the Chairman is in doubt after such show of hands, or if a head count is requested by at least fifty (50) delegates, the Chairman shall name tellers to count the vote. The delegates shall be called upon to rise to vote in favor of their candidates, in the order that the candidates were nominated. Each candidate shall be entitled to designate one observer to accompany each teller while the standing votes are being counted. The tellers shall report the results to the Chairman who shall then declare the successfu

candidate based upon such results. Objections to the election shall be made immediately upon the announcement of the results. The Chairman shall rule on such objections, subject to appeal to the Convention.

No division of the house, as above set forth, shall be necessary where there is only one (1) candidate for the office, and the candidate shall be declared elected. It shall require a plurality of all votes cast to constitute an election.

Candidates must accept nomination in person at the time made or, if absent, by written acceptance filed with the General Secretary-Treasurer one day prior to nominations, and a candidate may accept nomination for one International Union office only.

All officers shall be installed on the last day of the Convention and assume their official duties immediately following the adjournment of the Convention.

**Delegates to Conventions and Other Meetings;
Expenses; Unit Rule**

Section 3. All delegates representing the International Union at conventions or meetings of any other labor organization or federation of labor organizations, national or international, shall be appointed by the General President and shall perform such functions as the General President may prescribe.

All expenses and allowances of the above dele-

ART. V, SEC. 1

gates shall be paid by the International Union, the amount to be determined by the General President.

The unit rule shall prevail in all votes cast among the delegates representing the International Union at such conventions and meetings.

ARTICLE V

SALARIES AND EXPENSES OF OFFICERS

Section 1 (a). The salary of the General President shall be one hundred twenty-five thousand dollars (\$125,000.00) per year; the salary of the General Secretary-Treasurer shall be one hundred thousand dollars (\$100,000.00) per year. All expenses of the General President and the General Secretary-Treasurer shall be paid by the International Union.

(b). The Vice Presidents, other than Vice Presidents who are full-time organizers, shall receive a salary of one thousand five hundred dollars (\$1,500.00) per month as compensation for attending board meetings and for representing the interests of the International Union. The three (3) Trustees, if not full-time organizers, shall receive a salary of nine hundred dollars (\$900.00) per month as compensation for performing their duties as Trustees and for representing the interests of the International Union. When engaged in other duties under orders from the General President, the Vice Presidents and Trustees who are not full-time organizers shall, in

addition, receive the same pro rata salary as organizers.

The provisions for compensation and allowances contained in this entire Article shall be in addition to any compensation and allowances which may be received from subordinate bodies.

(c). The person holding the position of Executive Assistant to the General President, while working under orders of the General President, shall be paid a salary, allowances and expenses fixed by the General President.

(d). International or Special Organizers shall be appointed by the General President and while working under his orders shall be paid a sum fixed by the General President not to exceed thirty thousand dollars (\$30,000.00) per year plus such additional adjustments as are determined by the General President and reported to the General Executive Board.

(e). The Vice Presidents, Trustees, executive officers and the Organizers of the International Union, except as otherwise provided herein shall be allowed seven dollars and fifty cents (\$7.50) per diem as an incidental allowance. All organizers other than Special Organizers shall be allowed the sum of two hundred dollars (\$200.00) per month as an automobile allowance. All executive officers, organizers and others working outside of their home city, or when traveling in the interest of the organization, shall receive their fare in addition to the above-named sum to and from their destination, and in addition shall receive a sum of forty dollars (\$40.00)

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per diem. On special assignments, allowances, per diem and expenses shall be as determined by the General President.

(f). The salaries, allowances and expenses of International and Special Organizers and the International Directors of Area Conferences shall be determined by the General President.

(g). All salaries of, or powers to establish them for, general officers shall be determined by the Convention prior to the election of officers. The General Executive Board, except as may otherwise be provided herein, shall have the authority to fix salaries allowances and expenses of all officers, employees and representatives and allowances for general officers.

The General Executive Board may provide such accommodations by purchase, lease or otherwise, as it believes desirable for the housing of officers and employees while on official union business, and require the use thereof.

Travel Provisions

Section 2. The General President, for the purpose of promoting the interests and welfare of the International Union and the making of diplomatic contacts with other organizations and institutions, and for the purpose of conserving his health, may at his discretion travel in this country or, with the approval of the General Executive Board, abroad, and may take periodic rests. The General Executive Board shall provide for all expenses and allowances of the General President when performing the services mentioned.

tioned herein or when taking periodic rests; the said expenses and allowances shall include travel in this country and abroad, the full and complete maintenance of his wife so that she can accompany the General President, and all secretarial help and services which he deems necessary while so engaged. The expenses and allowances provided for herein are in addition to all other constitutional compensation and allowances.

All the provisions of this Section shall be applicable to the General Secretary-Treasurer.

ARTICLE VI

GENERAL PRESIDENT—DUTIES AND POWERS

General Duties

Section 1 (a). The General President shall preside at the Convention of the International Brotherhood of Teamsters and conduct the same in conformity with this Constitution. He shall have the deciding vote in case of a tie on any question that is being voted on by the Convention. He shall act to the best of his ability in furthering the interests of the organization. He shall fill any vacancy among the officers of the International Union, subject to the approval of the majority of the General Executive Board.

(b). The General President shall have general supervision over the affairs of the International Union, which shall be conducted in accordance with the Constitution and subject at all times to review

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and approval of the General Executive Board.

(c). The General President and the other general officers may hold office in subordinate bodies and render services thereto.

(d). The General President may accept a call to serve by the government of the United States; and if such call is made and he believes that it is in the best interests of the International Union to accept his position and remuneration as now outlined in the Constitution shall not be interfered with and shall continue.

(e). The General President may, without the approval of the General Executive Board, appoint a member of the International Union as Executive Assistant to the General President, who shall receive a salary for the term of his appointment as set forth in Article V, Section 1 (c).

(f). The General President may appoint and designate a Personal Representative who shall act on behalf of the General President as the General President may determine, including the right to attend meetings of any subordinate body of the International Union.

(g). The General President shall be empowered to appoint and fix the salaries of one (1) or more Assistants to the General President to carry on his work if he deems it necessary.

(h). The General President shall have the authority at his discretion to direct that a referendum vote, or a vote by membership in meeting assembled, be held

by the membership of any Local Union or subordinate body, or the membership in any division or craft of any Local Union or subordinate body, or the membership at any place of employment or under any specific contract, or on any other similar basis on any matter, issue or proposition when, in his opinion, the welfare of such membership or the subordinate body or the Local Union or the International Union will be served thereby.

Judicial Powers

Section 2 (a). The General President shall have authority to interpret the Constitution and laws of the International Union and to decide all questions of law thereunder between meetings of the General Executive Board, and shall have authority, unless some other procedure is expressly provided in this Constitution, to settle and determine all grievances and disputes submitted to him by Joint Councils, Local Unions and other subordinate bodies or members, between meetings of the General Executive Board, all subject to appeal to the General Executive Board, and, thereafter to the next Convention in the manner and to the extent prescribed in this Constitution. When any action is taken as provided herein between meetings of the General Executive Board such action shall be reported to the next meeting of the General Executive Board for its approval, reversal or modification, if an appeal has been taken.

(b). When the General President makes a decision or orders a subordinate body to observe the laws, and the subordinate body refuses, the subordinate body

ART. VI, SECS. 3-4

shall be subject to suspension or revocation of charter by the General Executive Board or imposition of Trusteeship by the General President. This provision shall also apply to decisions and orders of the General Executive Board.

Arbitration

Section 3. In any controversy with an employer not covered by a Local Union agreement, the Local Union shall make all reasonable efforts to settle the same through negotiation and, if it fails, through fair arbitration tribunal. If an employer offers to arbitrate, it shall be optional with the Local Union to accept or reject such arbitration. However, if the Local Union rejects arbitration and the matter brought to the attention of the General President, he shall ask the officers or representatives of the Local Union to appear before him or his representative in some other manner to explain their reasons for refusal. If the General President is satisfied that the Local Union is not justified in refusing arbitration, then the General President shall submit the matter to the General Executive Board, and if the General Executive Board is of the opinion that the Local Union should arbitrate, it may so decide; whereupon the Local Union shall proceed to carry out the decision of the General Executive Board.

Approval of Bylaws of Local Unions

Section 4 (a). Bylaws of Local Unions and other subordinate bodies and amendments thereto shall be subject to the approval of the General President. If the General President fails to approve the Bylaw

the matter may be referred by the subordinate body to the General Executive Board for its determination.

(b). Local Unions shall not adopt Bylaws or take any action which would impair their ability to meet their financial obligations to the International Union and its subordinate bodies or interfere with the discharge of their obligations to their members in the negotiation and administration of collective bargaining agreements and in conducting the affairs of the Local Union as a solvent organization.

**Power of General President to Appoint
Trustees; Duties and Obligations of
Local Unions Under Trusteeship**

Section 5 (a). If the General President has or receives information which leads him to believe that any of the officers of a Local Union or other subordinate body are dishonest or incompetent, or that such organization is not being conducted in accordance with the Constitution and laws of the International Union or for the benefit of the membership, or is being conducted in such a manner as to jeopardize the interests of the International Union or its subordinate bodies, or if the General President believes that such action is necessary for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures or preventing any action which is disruptive of or interferes with the performance or obligations of other mem-

ART. VI, SEC. 5

bers or Local Unions under collective bargaining agreements, or otherwise carrying out legitimate objects of the subordinate body, he may appoint temporary Trustee to take charge and control of the affairs of such Local Union or other subordinate body; provided, however, that before the appointment of such temporary Trustee, the General President shall set a time and place for a hearing for the purpose of determining whether such temporary Trustee shall be appointed; and further provided that where, in the judgment of the General President, an emergency situation exists within the Local Union or other subordinate body, the temporary Trustee may be appointed prior to such hearing, but such hearing shall then commence within thirty (30) days and decision made within sixty (60) days after the appointment of such temporary Trustee; and further provided that in all cases the Local Union or other subordinate body shall be advised of the reason for the appointment. Adequate notice at least ten (10) days prior to the date of the hearing shall be given to the Local Union or other subordinate body involved. In the case of all hearings conducted prior to or after the establishment of a Trusteeship, the General President shall designate a panel comprised of at least one (1) disinterested member of the International Brotherhood of Teamsters from the area involved. The General President may, at his discretion appoint an employee of the International Union to such panel. Such representatives shall make their recommendations to the General President orally or in writing within thirty (30) days after the furnish-

ing of the transcript of testimony, and the decision in the case shall be made by the General President himself, which decision shall be made within ten (10) days after such recommendations are received by him, and the decision shall be promptly transmitted to the Local Union or other subordinate body. Appeals, if any, from determinations following such hearings shall be taken directly to the General Executive Board. Appeals, if any, from the decision of the General Executive Board shall be taken to the Convention by only the Local Union or subordinate body affected. Procedures on appeals under this Section, insofar as is consistent with this Section, shall be governed by the provisions of Article XIX. The International Union shall not be responsible for any actions or activities of a Local Union or other subordinate body under Trusteeship unless such actions or activities have been directed or authorized by the Trustee.

The General Executive Board may modify or add to the procedures established herein for the purpose of assuring compliance with any applicable law.

The time requirements set forth in this Section shall not be mandatory but are only directory.

(b). The Trustee shall be authorized and empowered to take full charge of the affairs of the Local Union or other subordinate body, to remove any or all officers and appoint temporary officers at any time during his Trusteeship, and to take such other action as in his judgment is necessary for the preservation of the Local Union or other subordinate

ART. VI, SEC. 5

body and its interests. The terms of office of officers so removed shall terminate as of the date of removal unless otherwise absolved. The Trustee shall report from time to time on the affairs and transactions of the Local Union or other subordinate body to the General President. His acts shall be subject to the supervision of the General President. The General President may remove Trustees at any time and may appoint successor Trustees.

(c). The removed officers shall turn over all moneys, books and properties of the Local Union or other subordinate body to the Trustee, who must receipt for the same.

(d). Temporary officers and Trustees must be members in good standing of Local Unions in good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.

(e). The Trustee shall take possession of all the funds, books, papers and other property of the Local Union or other subordinate body and tender receipt for same. He shall pay all outstanding claims properly proved, if funds are sufficient. If the funds are not sufficient he shall settle the most worth claims, as his judgment dictates, unless otherwise provided for in this Constitution. In the event the charter of the Local Union or other subordinate body is suspended or revoked, all its funds, books, papers and other properties shall be forwarded to the General Secretary-Treasurer, who shall hold them for

the purpose of reorganization. If no reorganization occurs within a period of two (2) years, such funds shall be transferred to the general fund.

(f). In all cases of Trusteeships, the Trustee shall make a report to the General President at intervals of no more than every six (6) months, which report shall contain his recommendations with respect to whether the Trusteeship shall be continued or terminated.

The first (1st) such report shall be made within six (6) months after the date of the decision following the hearing on the appointment of a Trustee.

Additionally, the Local Union, or other subordinate body in regular or special membership meeting, by a majority vote, may petition the General President for the restoration of self-government, provided that no such petition shall be presented at intervals of less than six (6) months starting with the date of the decision following the first hearing on the appointment of the Trustee.

When a Local Union or other subordinate body petitions for restoration of self-government as herein provided, it shall be accorded a hearing which shall be commenced within thirty (30) days and decision made within sixty (60) days after the receipt of the petition, which hearing shall be held in the same manner as provided in Section 5 (a) of this Article relative to hearings on initial appointment of Trustees.

When it is determined by the General President or the General Executive Board that self-government be

ART. VI, SEC. 6

restored, the Trustee shall direct an election at such time as he may designate, any other provision of the Constitution or Local Union rules or Bylaws to the contrary notwithstanding. The Trustee shall not install the officers elected at such election until directed to do so by the General President. Upon such installation the Trusteeship shall terminate and the Trustee shall return all remaining funds, property, books and papers to the appropriate officers of the Local Union or other subordinate body. Subsequent to the release of the Local from Trusteeship a terminal audit shall be prepared. The term of office of the newly elected officers shall be for not more than three (3) years in the case of a Local Union or four (4) years in the case of any other subordinate body, and the next election for officers shall take place in compliance with the provisions of Article XXII, Section 4 in the November or December closest to and preceding the expiration of the three-year or four-year period, as the case may be, following the initial election.

Removal of International Union Organizers

Section 6. The General President, when he deems it for the best interests of the International Union, hereby empowered to remove any International Organizer. The General President, when he deems it for the best interests of the International Union, hereby empowered to remove any International Area Director with the approval of a majority of the General Executive Board.

Official Journal

Section 7. The official Journal shall be published under the supervision of an editorial staff of not less than two (2) members selected by the General President and approved by the General Executive Board, such staff to work under the direction of the General President, but to be responsible to and guided in its policies by the General Executive Board. A copy of the Journal shall be sent directly to each member in accordance with Article XXIII, Section 6. Copies may be sent to any person, organization or institution at the discretion of the General President. The General President shall be empowered to employ such help as he may need to carry on this work.

Vacancy in Office of President

Section 8. In case of the death, resignation, or removal of the General President under the procedures established and required by this Constitution, the First Vice President shall, without additional compensation, assume the office, powers, functions and duties of the General President. The First Vice President shall serve in this capacity for a period of not longer than ten (10) days during which time he shall convene the General Executive Board for the purpose of calling a Special Convention, which shall take place within six months thereafter, and for the purpose of designating a member of the General Executive Board to assume the office, powers and duties of the General President until such time as the Special Convention shall elect a General Presi-

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dent who shall hold office for the balance of the unexpired term.

The General Executive Board shall establish the rules and procedures for the calling and holding of such Special Convention. However, if the vacancy occurs within twelve (12) months of the next regular Convention, then instead of a Special Convention, the regular Convention shall be convened, at the earliest date permissible under the applicable provisions of this Constitution.

Section 9. The General President shall have the authority to make expenditures from the general fund in amounts to be determined by him in his sole discretion for lobbying and other political purposes, including contributions to candidates for state, provincial and local offices if such contributions are not prohibited by state, provincial or local law.

Section 10. There is hereby created the position of General President Emeritus for life which is to be filled by James R. Hoffa. In addition, anything in this Constitution to the contrary notwithstanding, James R. Hoffa is hereby granted, conferred and guaranteed good standing membership in his Local Union and the International Union for the rest of his lifetime, for all purposes, and with all rights and privileges appertaining to such membership as with any other member in good standing without distinction or discrimination upon the payment of the established dues.

He shall receive no remuneration or compensation as President Emeritus. The position of General Pres-

ident Emeritus shall not be considered a constitutional office, but rather a specific honor conferred upon James R. Hoffa in appreciation of his many years of devoted and tireless service to the interests of the International Brotherhood of Teamsters and its members.

ARTICLE VII

GENERAL SECRETARY-TREASURER— DUTIES AND POWERS

General Duties

Section 1. The General Secretary-Treasurer shall be custodian of all of the properties, funds, securities and assets of the International Brotherhood of Teamsters wherever located. He shall conduct all financial correspondence involving or affecting the International Union and all financial correspondence between the International Union and any affiliate or subordinate body of the International Union, and his signature shall, as a ministerial act, be required on all instruments, documents, deeds or other papers of any nature whatsoever requiring or involving the investment of any of the funds of the International Union. The General Secretary-Treasurer shall keep a correct record of the proceedings of the Conventions of the International Union and of each meeting of the General Executive Board, preserve all important documents, papers, letters received and copies of all important letters involving the International Union and which pertain to the functions and responsibilities of

ART. VII, SEC. 2

the Office of the General Secretary-Treasurer. He shall supply each delegate to the Convention of the International Union with a copy of the correct record of the proceedings of any such Convention as soon as is practicable following the Convention and shall supply each member of the General Executive Board with a correct copy of the minutes of each meeting of the General Executive Board as soon as is practicable following the meeting.

Section 2 (a). The General Secretary-Treasurer shall have primary responsibility for the payment from the general fund of all financial obligations, commitments and expenditures of the International Union. Requests or requirements for payments from the general fund shall be submitted to the General Secretary-Treasurer and shall be supported by written authorization in the form of statement, bill, invoice, voucher, disbursement authorization or similar written instrument. All such requests or requirements for payment from the general fund as indicated above shall, prior to payment, be reviewed and approved as to the validity of such claim by the General President and as to the adequacy of supporting data by the General President and the General Secretary-Treasurer or by representatives duly appointed by each, provided such representatives are appropriately bonded. Following approval as set forth above, the General Secretary-Treasurer shall make payment by check under his individual signature for the following classes of financial obligations of the International Union:

- (1) Routine or recurring expenditures incurred in the operation of the General President's and the General Secretary-Treasurer's offices such as general office expenses, administrative and clerical salaries, building maintenance expenses, salaries or compensation of officers, organizers and other representatives or staff members of the International Union, including expenses of such individuals as authorized by the International Constitution, real and personal property taxes, and other types of taxes, interest payments, and all other similar regularly recurring expenses of the International Union, provided that the General Executive Board shall first have given general authorization for payment of such type of financial obligations.
- (2) Expenditures such as out-of-work benefits, or advances or payments to Conferences, Trade Divisions, Local Unions or Joint Councils and other similar specific expenditures all of which, however, have, prior to payment thereof, been specifically authorized by the General Executive Board or this Constitution.

(b). All expenditures from the general fund, other than those provided in 2 (a) above, necessary to the operation of the International Union, shall be approved by the General President and the General Secretary-Treasurer. Checks in payment of such expenditures shall be signed by the General President and the General Secretary-Treasurer. In the event of disagreement between the General President and the

General Secretary-Treasurer concerning the making of any payment, the matter shall be submitted to the General Executive Board for determination, which determination shall be final and binding.

(c). The General President and General Secretary Treasurer and all other representatives or employees of the International Union who handle any funds of the International Union or subordinate body thereof or are involved in the making of any expenditures from the general fund shall be bonded in an amount sufficient to protect the International Union.

(d). In the event of the incapacity of any person authorized by this Constitution to sign checks or documents, the General Executive Board shall designate another person to exercise such authority.

Issuance of Charter

Section 3. All charter applications must be signed by no less than seven (7) prospective members employed within the jurisdiction of the International Union, and before final issuance, must be approved by the General President, the General Secretary Treasurer and the General Executive Board.

All Local Union charter applications must initially be submitted to the Joint Council or to the Conference (if there is no Joint Council) having jurisdiction in the area, which shall then forward such application to the General Secretary-Treasurer with an indication of whether such application has the approval or disapproval of such body. All other charter applications shall be submitted directly to the General

Secretary-Treasurer. The General Secretary-Treasurer shall submit all charter applications to the General Executive Board. In determining whether to issue a Local Union charter, the General President, the General Secretary-Treasurer and the General Executive Board shall take into consideration, but shall not be bound by, the position of the Joint Council or Conference in the matter. If the General President, the General Secretary-Treasurer and the General Executive Board approve the issuance of a charter, the General President and the General Secretary-Treasurer shall sign and the General Secretary-Treasurer shall issue and deliver the charter to the organization for which application for charter has been made. Such charter shall be revoked unless within thirty (30) days after the election of officers of the organization, the contract set forth below has been signed by the President and Secretary-Treasurer of such organization and returned to the General Secretary-Treasurer.

Charters may be issued to a Local Union, the territorial jurisdiction of which shall not be limited to any particular geographic area, upon such terms and under such conditions as the General Executive Board shall consider appropriate, notwithstanding any other provisions of this Constitution.

Affiliation with, and the issuance of a charter by, the International Union and compliance with all the provisions and requirements of this International Constitution are in no way conditioned upon the affiliation or non-affiliation of the International Union

with any other organization either at the time of the issuance of a charter or subsequent thereto.

Charter Contract

The General Executive Board shall have the authority to change the jurisdiction granted or set forth in the Charter at any time in its sole discretion.

The following Charter Contract and the rights, duties and obligations set forth therein are a part of this Constitution as though set forth in a separate Article herein:

Know all men by these presents, that I, _____, Secretary-Treasurer of the _____ Local Union (Joint Council or other subordinate body), located at _____, being authorized to act for said Local Union (Joint Council or other subordinate body), in consideration of the General Secretary-Treasurer's issuing a charter to said Local Union (Joint Council or other subordinate body) hereby agree: that said charter shall remain the property of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and in consideration of the premises herein stated, when the charter is framed, the frame shall immediately become the property of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; that said Local Union (Joint Council or other subordinate body) shall have custody of said charter until it is demanded by some person authorized to make such demand, in accordance with the International Constitution, and

the charter and frame shall then be delivered to the person so authorized to demand and procure the same; and that any person so authorized may enter any premises occupied by the said Local Union (Joint Council or other subordinate body) or any of its members and take possession and remove the said charter.

I do further recognize and acknowledge in behalf of Local Union (Joint Council or other subordinate body) that the name and all rights and privileges hereunder are granted this Local Union (Joint Council or other subordinate body) by the International Union, and that all books, documents, contracts, name, moneys, funds and property of any nature and description which may be obtained, accumulated and maintained by this Local Union (Joint Council or other subordinate body) will result, be obtained, accumulated or maintained by the granting of this charter and the rights and privileges thereunder; and that therefore, in the event this charter is revoked, or this Local Union becomes defunct, all books, documents, contracts, name, moneys, funds and property shall belong to and shall be delivered over to the International Union by it to be retained, as provided for in Article X, Section 14 of the Constitution, until the charter is reinstated or a successor Local Union (Joint Council or other subordinate body) or Local Unions (Joint Councils or other subordinate bodies) are chartered.

I do further agree in behalf of Local Union (Joint Council

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or other subordinate body) that it will abide by the provisions of the International Constitution and amendments thereto, all of which are incorporated herein by reference.

By its Secretary-Treasurer

Financial Report

Section 4 (a). The General Secretary-Treasurer shall issue annually a financial report summarizing the assets and liabilities of the International Union and stating the net worth of that organization and the receipts and disbursements together with a Certified Public Accountant's statement as set forth in Section 1 of Article VIII. Such a report shall be published annually in the official Journal of the International Union. At any time a financial report is requested by the General Executive Board, the General Secretary-Treasurer shall furnish such a report consisting of a statement of assets, liabilities and net worth of the International Union.

(b). The General Secretary-Treasurer shall furnish the Secretary of each subordinate body with a roster, which shall be kept current at least semi-annually, showing the International officers, Local Unions, Joint Councils, Area Conferences and Trade Divisions of the International Union.

Method of Determining Representation

Section 5. The General Secretary-Treasurer, on sending out credentials, shall figure for a two-year

period ending four (4) months preceding the opening date of the next Convention to ascertain the per capita tax paid by Local Unions and the number of delegates given to Local Unions shall be upon this basis; provided, however, in cases of the split-off of Local Unions occurring during the two-year period, the per capita averaging for each Local Union involved shall be based upon the period beginning with the date of the split-off and ending four (4) months preceding the opening date of the next Convention; provided further, however, that if such split-off occurs within six (6) months of the opening day of the Convention, and, if the General Executive Board, pursuant to Article III, Section 3 (c) has determined that the newly chartered Local Union is entitled to full representation at the Convention, the per capita averaging for both Local Unions shall be based upon the period from the date of split-off through the month immediately preceding the Convention Call. Where it is not possible to hold the Convention at the time prescribed by Article III, Section 1, because of an emergency, the additional per capita tax payments involved shall be taken into consideration in computing the average monthly membership for the determination of the number of delegates to which the Local Union shall be entitled. (See also Article III, Section 2.)

Finances

Section 6 (a). The General Secretary-Treasurer shall receive moneys due from all sources and in the case of subordinate bodies shall give his receipt

ART. VII, SEC. 7

therefor. All moneys shall be placed in banks, depositories or vaults approved by the General Executive Board in the name of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

(b). At least twenty-five percent (25%) of the funds and assets of the International Union (exclusive of real estate, buildings and furnishings) shall be kept in interest-bearing bank accounts and short-term government obligations as directed by the General Executive Board.

Audits

Section 7 (a). The books of all Local Unions may be audited to the extent prescribed by the General Executive Board at least once between Conventions by an International Union Auditor, or by a Chartered or Certified Public Accountant as directed by the General Executive Board under the supervision of the General Secretary-Treasurer. For that purpose the General Secretary-Treasurer shall appoint International Auditors, and their salaries, per diem and expenses shall be fixed in accordance with the provisions of Article V, Section 1 (d) and (e), the number of such auditors to be determined by the General Executive Board. The General Secretary-Treasurer, when he deems it for the best interest of the International Union, is hereby empowered to remove any International Auditor, with the approval of the majority of the General Executive Board.

(b). All subordinate bodies and joint operations, whether they be within this International Union or

with other international unions, which receive any donations, advances, matching funds or special payments of any nature from the International Union shall keep full financial records respecting same and the manner in which they are expended.

The books of every subordinate body shall be audited by a Chartered or Certified Public Accountant at least once a year. The books of joint organizing funds may be audited by a Chartered or Certified Public Accountant at the discretion of the General Secretary-Treasurer. Copies of all annual or terminal audit reports, whether prepared by an International Auditor or a Chartered or Certified Public Accountant, shall be forwarded to the General Secretary-Treasurer. Also, all subordinate bodies must send to the General Secretary-Treasurer copies of all financial reports setting forth a statement of assets and liabilities and a statement of receipts and disbursements which are required by law. (See also Article X, Section 10.)

Notification of Local Unions in Arrears

Section 8. It shall be the duty of the General Secretary-Treasurer to notify the Secretary-Treasurer, the President and the three (3) Trustees of the Local Union when said Local Union becomes in arrears for per capita tax.

Seals, Stamps and Supplies

Section 9 (a). The General Secretary-Treasurer shall procure all seals and supplies and furnish same to all Local Unions desiring them. It shall become

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compulsory upon all Local Unions to procure from the International Union, with the exception of letter paper and envelopes, all supplies carried by the International Union, as listed from time to time on International Union order blanks furnished for that purpose.

(b). Individual members of Local Unions shall not have the power to duplicate the buttons or paraphernalia issued by the International Union. Permission may be granted by the General Secretary-Treasurer to subordinate bodies to procure other minor International supplies in their several localities.

Other Duties

Section 10. The General Secretary-Treasurer shall perform such other duties as are required of him by this Constitution.

ARTICLE VIII

TRUSTEES—DUTIES

Audit of Books

Section 1. The Trustees shall review the books of the General Secretary-Treasurer once during each six-month period, utilizing the assistance of Certified Public Accountants designated by the General President, and report their findings immediately to the General President, and he shall, in turn, report to the General Executive Board. Such review of the books of the General Secretary-Treasurer shall include the books respecting all properties and facilities

ART. VIII, SEC. 2—ART. IX, SEC. 1

under the custodianship of the General Secretary-Treasurer. A copy of such semi-annual reports of the Trustees shall be furnished to the members of the General Executive Board. In the event of the unavailability or disability of one Trustee, the remaining two Trustees shall perform the duties set forth herein.

Fiscal Year

Section 2. The fiscal years of the International and subordinate bodies shall commence on the first (1st) of January.

ARTICLE IX

GENERAL EXECUTIVE BOARD— DUTIES AND POWERS

General

Section 1. Such powers, duties and authority as are not otherwise delegated to the General President and General Secretary-Treasurer of the International Union shall be exercised, acted upon, and determined by the General Executive Board. The General Executive Board shall have the authority to interpret and apply the Constitution and laws of the International Union and to decide all questions of law thereunder subject to appeal to the next Convention. The General Executive Board shall have governing authority over the International Union and its subordinate bodies to the end of upholding the

ART. IX, SECS. 2-3

laws and policies of the Brotherhood as expressed in this Constitution.

Revocation and Suspension

Section 2 (a). Unless otherwise provided in this Constitution, the General President or the General Secretary-Treasurer, when he deems it necessary to suspend or revoke a charter, shall immediately notify the members of the General Executive Board for their approval of same.

(b). Any Local Union suspended by the General Executive Board shall lose, for the period of its suspension, all privileges of the International Union.

Power to Debar From Membership

Section 3 (a). In the case of the revocation or forfeiture of a charter of a Local Union the members thereof, without loss of continuous good standing, may be transferred to another Local Union in the area or such Local Union may be reorganized and such members may be transferred thereto. Upon such transfer the General Executive Board shall have the power, following a hearing, to exclude from membership in the new Local Union persons who were in any way responsible for the revocation or forfeiture of the charter or who the General Executive Board has reason to believe are disloyal to the International Union or who may cause disruption in the newly organized Local Union.

(b). With respect to new applicants to any Local Union, the General Executive Board shall have

power to deny membership in the International Union to any such applicant when it believes the interest of a Local Union or the International Union will be best served by so doing.

Trial of Member Assaulting General Officer or Organizer

Section 4. Any member or number of members of a Local Union assaulting or injuring a general officer or organizer, shall be tried and, if found guilty, punished by the General Executive Board on such charge in the same manner as hereinafter provided for other trials and punishments by the General Executive Board. If he is found not guilty, his expenses to the place of the General Executive Board meeting shall be paid by the International Union. If he is found guilty, he shall be disciplined as the judgment of the General Executive Board dictates and his expenses shall not be paid. If he desires not to attend his trial, he may submit his answer or defense in writing to the Board.

Meetings of General Executive Board

Section 5. The General Executive Board shall hold quarterly meetings at such specific time and place as shall be determined by the General President. At the discretion of the General President a quarterly meeting may be held within one (1) month after the end of the quarter. Upon the written request of a majority of the General Executive Board to the General President, it shall be the duty of the General President to call a meeting of the General Executive

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Board within thirty (30) days. A majority of the members of the General Executive Board shall constitute a quorum for the transaction of its business.

Action When Not in Formal Session

Section 6. In all matters requiring action by the General Executive Board, and when the General Executive Board is not in formal session, the General Executive Board may act by telegram, letter or long distance telephone. When the General President requires action by the General Executive Board, he may obtain the same by telegraphing, writing or telephoning to the members of the General Executive Board, and such members may take action on the matter brought to their attention in the same manner; provided, however, that whenever action is sought by any of the foregoing methods, all members of the General Executive Board shall be polled. Such action so taken by the majority of the members of the General Executive Board shall constitute action of the General Executive Board as though the General Executive Board were in formal session; provided, however, that any such action shall be confirmed at the next formal session of the General Executive Board.

Special Conventions

Section 7. Special Conventions may be called only when two-thirds ($\frac{2}{3}$) of all of the members of the General Executive Board deem it necessary. The General Executive Board shall establish the rules and procedures for the calling and holding of Special Conventions, anything to the contrary in this Con-

stitution notwithstanding, excepting only as to the qualifications of delegates.

If such Special Convention is called more than twelve (12) months before the next regularly scheduled Convention, it shall have the power to change any provision of the Constitution except the provision dealing with the terms of office for officers set forth in Article IV, Section 1 (d) and the provisions of Article V dealing with salaries and expenses of officers.

However, if such Special Convention is called within twelve (12) months of the next regular Convention, such Special Convention shall be in place and instead of the next regular Convention, and shall have the power to take all actions that could be taken at a regularly constituted Convention, including, without limitation, the election of International Union officers for a new term, and the termination of the term of office of the incumbent officers when their successors are qualified and sworn.

Employment of Clerical, Technical and Professional Assistance

Section 8. The General President and General Secretary-Treasurer respectively shall have the power to employ or retain such clerical, technical and professional assistance for their respective departments as each may from time to time determine. Such persons shall be paid reasonable salaries or professional fees from the general fund; salaries shall be appropriately classified so as to provide for uniformity of

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compensation for the general type of work in both departments. All of the foregoing shall be subject to the prospective, but not retroactive, disapproval of the General Executive Board.

Legal Expenses

Section 9 (a). The International Union is authorized to pay all the expenses for investigating services, employment of all counsel and other necessary expenditures in any cause, matter, case or cases where an officer, representative, employee, agent, or one charged with acting in behalf of the International Union and/or its affiliates is charged with any violation or violations of any law or is sued in any civil actions (1) if a majority of the General Executive Board in its sole discretion determines that said charges or lawsuits are (a) unfounded, or (b) are politically motivated, or (c) were filed in bad faith in an attempt to embarrass or destroy the Union or the Union officer or representative, (2) or if a majority of the General Executive Board in its sole discretion determines that the expenditures should be made.

(b). The provisions set forth in subsection (a) above shall also apply to such expenditures made by all affiliates other than Local Unions if the appropriate governing body of the affiliate in its sole discretion determines that the expenditures should be made.

(c). A Local Union is authorized to pay any and all the above expenditures in any cause, matter, cas-

or cases where an officer, representative, employee, agent, or one charged with acting in behalf of the Local Union is charged with any violation or violations of any law or is sued in any civil action or actions (1) if a majority of the Local Executive Board in its sole discretion, subject to the approval of a majority of the members present and voting at a regular meeting (or a majority of all the members present and voting at all the regular craft or divisional monthly meetings held in lieu of a single monthly regular meeting) determines that said charges or law-suits are (a) unfounded, or (b) are politically motivated, or (c) were filed in bad faith in an attempt to embarrass or destroy the Union or the Union officer or representative, (2) or if a majority of the Local Union Executive Board in its sole discretion subject to the approval of a majority of the members present and voting at a regular meeting (or a majority of all the members present and voting at all the regular, craft or divisional monthly meetings held in lieu of a single monthly regular meeting) determines that the expenditure should be made.

Retirement Plan

Section 10. The General Executive Board shall have the authority to adopt, maintain or amend any pension or health and welfare trust agreement or plan which it deems to be in the interest of the officers and employees of the International Union or subordinate bodies, and the families of said officers and em-

ployees, provided that no accrued rights of a participant shall be impaired.

Mergers

Section 11. The General Executive Board in its discretion shall have the power to merge Local Unions and other subordinate bodies under such terms and conditions and subject to such qualifications as the General Executive Board may determine, taking into consideration such circumstances as financial conditions, jurisdiction, location, and such other factors as appear appropriate in connection with the Local Unions and other subordinate bodies involved.

In this connection the General Executive Board may, in its discretion, conduct a referendum vote among all of the members of the Local Union or subordinate body, or of the members in any division, craft or place of employment, or under any specific contract or on other similar basis as the General Executive Board may determine. The result of such referendum, if conducted, shall be advisory only.

Affiliations

Section 12. The General Executive Board shall have full power and exclusive authority to enter into agreements and arrangements with other labor organizations in behalf of the International Union for the purpose of effecting the absorption, amalgamation, merger or affiliation of or coordination with other

labor organizations with the International Union; and the General Executive Board shall have authority to take any and all action, without limitation, as it deems necessary to effectuate such authority.

The General Executive Board shall also have full power and exclusive authority to enter into agreements and arrangements in behalf of the International Union for the purpose of effectuating the affiliation of the International Union or its coordination with any other national or international organization or federation of labor organizations, committees or multi-union conferences and also for the purpose of creating and/or participating in any federation of labor organizations.

Union Insignia

Section 13. The General Executive Board shall have full control over all marks, labels and other insignia of the International Union, including the right to retake and repossess such marks, labels and insignia and to change the provisions, terms and conditions of all agreements relating to the use, printing and issuance of marks, labels and other insignia. The General Executive Board shall also have the right to assign from time to time any International officer to act on its behalf with respect to all marks, labels and other insignia. All subordinate affiliates shall be subject to the orders of the General Executive Board, or its designated International officer, respecting the use, printing and issuance of marks, labels or other insignia.

ARTICLE X

**REVENUES, BONDING,
EXAMINATION AND AUDITS OF
SUBORDINATE BODIES, AND
DISPOSITION OF ASSETS**

Revenue

Section 1. The normal operating income of the International Brotherhood of Teamsters shall be derived as follows:

- (a). Charter fee, which includes charter, seal and all other organization supplies, twenty-five dollars (\$25.00).
- (b). Sale of other supplies.
- (c). Initiation and reinitiation fees and per capita tax.

Assessments For Emergencies

Section 2. Whenever the assets of the International Union, except the Washington, D. C. real properties, run below twenty million dollars (\$20,000,000.00) the General Executive Board shall levy an assessment of one dollar (\$1.00) per member per month on all Local Unions, until such assets reach twenty-five million dollars (\$25,000,000.00). Any Local Union failing to pay the assessment shall not be entitled to any of the benefits of the International Union. After being properly notified and given a reasonable length of time, if the Local Union further refuses to pay the assessment, said Local Union shall be suspended.

Any Local Union failing to pay the assessment shall not be represented at the International Convention.

Payment of Initiation Fees, Reinitiation Fees and Per Capita Tax

Section 3 (a). Each Local Union shall pay to the General Secretary-Treasurer the sum of two dollars and fifty cents (\$2.50) for every initiation fee or reinitiation fee collected.

(b). Each Local Union shall pay to the General Secretary-Treasurer a per capita tax of one dollar and eighty-five cents (\$1.85) per month, effective October 1, 1971, and a per capita tax of two dollars and fifteen cents (\$2.15) per month, effective October 1, 1973, payable for the current month not later than the twentieth (20th) day of the succeeding month unless otherwise determined by the General Executive Board in extreme hardship cases.

The present one dollar and fifty cents (\$1.50) per capita tax shall continue through September, 1971, payable in October, 1971, and the per capita tax of one dollar and eight-five cents (\$1.85) shall become effective October 1, 1971, payable for the month of October, 1971 in November, 1971, and the per capita tax of two dollars and fifteen cents (\$2.15) shall become effective October 1, 1973, payable for the month of October, 1973 in November, 1973 unless otherwise determined by the General Executive Board as above provided.

Per capita tax must be paid not only on dues-paying members but also on all persons paying

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agency shop fees, periodic service fees and hiring hall fees to the Local Union.

Persistent failure of a Local Union to comply with this subsection shall subject the Local Union to charges by the General Executive Board only.

(c). The General Secretary-Treasurer shall receipt for all initiation fees and per capita tax.

(d). Dues of members of the International Union, payable through their respective Local Unions, shall not be less than seven dollars (\$7.00) per month effective October 1, 1971 and eight dollars (\$8.00) per month effective October 1, 1973; provided, however, that in the case of newly organized members for whom there is no established wage scale, dues shall be no less than six dollars (\$6.00) per month; and provided, further, that the General Executive Board shall have the authority to reduce the foregoing minimum in extreme hardship cases. All dues, whether below, at or above the minimum of eight dollars (\$8.00) shall be increased by no less than one dollar (\$1.00) per month no later than October 1, 1971, and by an additional one dollar (\$1.00) per month no later than October 1, 1973, unless otherwise determined by the General Executive Board in extreme hardship cases. In the case of Local Unions chartered after the 1971 Convention and before October 1, 1973, unless otherwise approved by the General Executive Board, the dues of the members of such Local Unions shall not be less than six dollars (\$6.00) for the first year following such chartering and thereafter the seven dollars (\$7.00) minimum.

shall apply, and in the case of Local Unions chartered after October 1, 1973, the dues of the members of such Local Unions shall not be less than seven dollars (\$7.00) for the first (1st) year following such chartering and thereafter the eight dollars (\$8.00) minimum shall apply.

In the event that the provisions relating to increased revenue adopted by the 1971 Convention cannot be effectuated, the General Executive Board shall have the authority, from time to time to amend, modify or defer the provisions of this Constitution relating to the increase of sixty-five cents (65¢) reflected in the new per capita tax of two dollars and fifteen cents (\$2.15); provided, however, that the General Executive Board shall not be authorized by this provision to increase dues or per capita taxes to an amount greater than the eight dollars (\$8.00) minimum dues and the two dollars and fifteen cents (\$2.15) per capita tax set forth above.

The provisions of the first paragraph of Section 3 (d) shall become effective October 1, 1971.

(e). Area Conferences shall be supported by the payment of a monthly ten cents (10¢) per capita tax by the International Union to the Area Conference. Local Unions affiliated with Area Conferences shall pay a minimum of ten (10¢) per month per member to their respective Area Conferences.

Preferred Payment of Per Capita Tax

Section 4. All per capita tax due the International Union and chartered subordinate bodies shall have

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priority over any other bills or obligations of the Local Union. The order of priority shall be as follows: (1) International Union; (2) Area Conferences; (3) Joint Councils; (4) State Conferences; (5) other chartered subordinate bodies.

For a Local Union or any other subordinate body to be in good standing with the International Union and other subordinate bodies with which it is affiliated, it must be current in the payment of its per capita tax and other obligations owing to the International Union and to all other subordinate bodies with which it is affiliated.

Payment of Dues and Fees and Receipt Therefor

Section 5 (a). Any member paying his initiation fee, monthly dues, assessments or reinitiation fees shall be provided with a receipt by the Local Union in a manner prescribed by the General Secretary-Treasurer as approved by the General Executive Board.

No other system of receipting for initiation fees, monthly dues, assessments or reinitiation fees will be recognized by the International Union.

(b). Every member when requested to do so by a proper representative of the International Union or subordinate body shall be required to present evidence establishing membership in good standing.

(c). All members paying dues to Local Unions must pay them on or before the last business day of the current month. Any member failing to pay his dues at such time shall not be in good standing for

such month, but may restore such good standing for such month for the purpose of attending meetings, nominating, voting and participating in affairs of the Local Union by the payment of his delinquent dues prior to said meeting. Payment of such dues after their due date shall not restore good standing status for such month or months in computing the continuous good standing status required by Article II, Section 4 of this Constitution as a condition of eligibility for office. Any member who shall be three (3) months in arrears in the payment of dues, fines, assessments, or other charges, shall automatically stand suspended at the end of the third (3rd) month, and shall not be entitled to any rights or privileges as a member of the Local Union or International Union. Local Unions may provide suspension, expulsion or other penalty for a lesser period of arrearages. Any member who has been automatically suspended for failure to pay dues shall be under a continuing obligation to pay dues during the period of his suspension. In addition to requiring the payment of delinquent dues, the Local Union may adopt a bylaw provision requiring the payment of a reinitiation fee for entitlement to the rights and privileges of membership. The Local Union may also adopt a bylaw provision granting to the Local Union Executive Board the power to waive on a nondiscriminatory basis the payment of delinquent dues and/or reinitiation fees for good cause shown. Per capita tax shall be paid on all delinquent dues collected.

(d). A Local Union may provide in its Bylaws for

the payment of quarterly dues, provided such Bylaws are approved by the General President of the International Union. In any instance where a Local Union has provided for the payment of quarterly dues under this Section, a member, to be in good standing, must pay his dues for each quarter on or before the last business day of the first month of the quarter.

(e). A Local Union by bylaw amendment may waive the obligation of shop stewards to pay dues, provided that the waiver shall in no way affect the eligibility of such shop stewards to run for office or their entitlement to any other rights or benefits, and further provided that per capita taxes due to the International Union and subordinate bodies shall be paid by the Local Union.

Orders for Supplies

Section 6. All payments of fees and orders for supplies must be made on the regular official remittance statement and supply order blank and all money sent to the General Secretary-Treasurer must be sent by Local Union or cashier's check, or post office or express money order.

Bonding

Section 7 (a). All officers, Business Agents and others who handle funds and property of subordinate bodies shall be suitably bonded. The original bonds shall be retained in the files of the subordinate bodies, and copies shall be promptly forwarded to the office of the General Secretary-Treasurer. The

General Secretary-Treasurer may direct an increase or decrease in the amount of bonds when he deems it necessary or advisable.

(b). The General President or the General Executive Board is empowered to suspend or revoke the charter of any affiliate or to place any affiliate in Trusteeship for failure to comply with the provisions of this Section.

Filing of Monthly Reports by Local Union Trustees

Section 8 (a). If a Local Union has not provided for the payment of quarterly dues by a majority of its members, the books of the Local Union must be examined monthly by the Local Union Trustees and the Trustees shall make a monthly report of such examination on forms prescribed by the General Secretary-Treasurer. If a Local Union has provided for the payment of quarterly dues by a majority of its members, the books of the Local Union must be examined at least quarterly by the Local Union Trustees, who shall make a quarterly report of such examination on forms prescribed by the General Secretary-Treasurer. The reports shall be forwarded to the office of the General Secretary-Treasurer by the Local Union Secretary-Treasurer and copies of the reports shall be maintained for the period of time required by law.

The Trustees must sign the books of the Local Union if the Trustees have found them correct and the bank balances verified. In the event that a Trustee declines to sign the books, the Trustee must

state in writing to the Local Union Secretary-Treasurer his reasons for declining to do so. In the event of the unavailability of a Local Union Trustee, the remaining Trustees or Trustee shall make the monthly examination of books and the monthly report.

Deposit of Money

Section 9. Subordinate bodies are autonomous and may keep their money deposited in their names in such accounts and depositaries as they deem appropriate. The subordinate bodies may also invest in property, real and personal; provided, however, that all investments will be such as may be made by fiduciaries under the laws of the Commonwealth of Massachusetts. When disbursements of subordinate bodies are made by check, the check shall bear the signature of at least two (2) elective officers in the manner provided by the Bylaws of the subordinate body; when disbursements are made by cash they shall be verified by receipt or other evidence of payment.

Subordinate bodies may provide for direct and indirect loans for such purposes and with such security, if any, as they deem appropriate and with such arrangements for repayment as they deem appropriate.

Audit of Books of Subordinate Bodies

Section 10 (a). The General President or General Secretary-Treasurer at his discretion may cause the audit or examination of the books of any sub-

ordinate body at any time to the extent that he may determine, such audit to be conducted by any person so designated.

(b). Officers of a subordinate body shall give for examination to the representative delegated to conduct the audit, all books, bills, receipts, vouchers and records, bonds, securities or other evidences of ownership to property or investments of the subordinate body whenever requested.

(c). Any officer of a subordinate body refusing to turn over the books, bills, vouchers or records to the delegated officer shall be subject to discipline under the provisions of Article XIX, and shall be liable to expulsion by the General Executive Board. (See also Article VII, Section 7.)

(d). If the representative delegated to audit the books discovers any dishonesty or incompetency in the officers which warrants him to notify the General President and General Secretary-Treasurer, he shall do so and they shall take whatever action they deem advisable. The representatives auditing books shall make a report to the General President and General Secretary-Treasurer and shall have full power to investigate and examine all assets of the subordinate body wherever located including the right to obtain a certified balance sheet from the bank.

Arrearage in Per Capita Tax

Section 11. Where the books of a Local Union have been examined and audited and arrearages to

the International Union or to any subordinate body thereof for per capita tax are found, the same must be paid immediately.

Penalty for Arrearage

Section 12. Should a Local Union become six (6) months in arrears for per capita tax to the International Union or any subordinate body, its charter shall be subject to revocation by the General Executive Board. The General Secretary-Treasurer shall notify all Local Unions when two (2) months in arrears, but failure to receive such notice shall not prevent the suspension of the Local Union, should it become three (3) months in arrears.

**Return of Funds, Books and Property
Upon Revocation or Dissolution**

Section 13. When the charter of a subordinate body is revoked, the subordinate body or its officers shall be required to turn over all books, documents, property and funds to the General President or his representative, or to the General Secretary-Treasurer of the International Union, and should a subordinate body secede, disaffiliate, or dissolve or be dissolved, or be suspended, or forfeit its charter, then all books, documents, property and funds shall likewise be turned over to the General President or his representative, or to the General Secretary-Treasurer to be held until such time as the subordinate body may be reinstated or reorganized. If no reinstatement or reorganization occurs within a period of two (2) years such funds shall be transferred to the general

fund. However, in no event shall the International Union without its consent become liable for the obligations of a subordinate body which has seceded, disaffiliated, dissolved or been dissolved, or has been suspended, merged or has forfeited its charter.

Expenses Incurred in Recovering Property and Funds; Reorganization

Section 14. Whenever a subordinate body secedes, disaffiliates, or dissolves, or its charter is suspended or revoked, and demand is made upon such organization or its officers to deliver to the General President or his authorized representative the records, property and funds of such organization, and such demand is refused, then all expenses, of whatever nature, incurred by the International Union in recovering such records, property and funds, shall be a lawful charge upon the property and funds involved, and on recovery thereof, the International Union shall reimburse itself from the property and funds recovered. All property and funds shall be held by the International Union until reorganization has been effected and shall be returned to the subordinate body when the same has been reorganized. If no reorganization is effected within a two (2) year period, then all properties and funds of such subordinate body shall become the property and funds of the International Union. Reorganization shall be effected by and under the direction of the International Union.

Waiver of Per Capita Tax and Fees

Section 15. In any situation involving new orga-

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nization, reorganization, new affiliation, merger or revocation of charter the General Executive Board is authorized to waive payment of per capita tax and any other fees owing to the International Union by a subordinate body and any initiation fees, dues or other fees owing to a Local Union by any member or other person prospectively and/or retroactively, whenever the Board determines that such waiver is in the best interest of the International Union.

The General Executive Board shall have the power to waive the payment of any fees to the International Union or any subordinate body to implement any arrangement with any other international union providing for the transfer of members or the acceptance of members who may be on withdrawal card status.

ARTICLE XI

FINANCE COMMITTEE—DUTIES

Section 1. There shall be a Finance Committee consisting of seven (7) members of the General Executive Board, namely, the General President, the General Secretary-Treasurer, and five (5) Vice Presidents selected by the General Executive Board. A quorum of the Finance Committee shall consist of any five (5) members thereof. The General Executive Board shall have the power to remove any selected member of the Finance Committee by a majority vote. It shall be the general function of the Finance Committee, by majority vote, to pass upon

and approve all investments of the funds of the International Union, and no investment of such funds can be made without such approval. It shall, however, be the specific function of the General President and the General Secretary-Treasurer to make all investments of the funds of the International Union, subject to the subsequent approval of the Finance Committee, and the General Secretary-Treasurer shall at all times keep the General Executive Board advised of all such investments.

All investments will be such as may be made by fiduciaries by the laws of the Commonwealth of Massachusetts.

Securities purchased shall be kept in a safety deposit box or boxes or held in safekeeping by a bank or banks approved by the General Executive Board.

Section 2. Each member of the Finance Committee shall be bonded in such sum and in such manner as the General Executive Board shall require.

Section 3. The General Executive Board shall be empowered, when it deems it necessary for the maintenance, protection and preservation of the labor movement, to make loans or advances to other labor organizations. No other loan of any nature whatsoever shall be made from funds of the International Union except upon approval of the Finance Committee and the General Executive Board.

ARTICLE XII

**STRIKES, LOCKOUTS,
WAGE SCALES,
DISPUTES OVER JURISDICTION**

Strike Action by Local Unions

Section 1 (a). When any difficulty or dispute arises between the members of any Local Union and their employers, it shall be the duty of the officers of such Local Union to use every possible means of achieving a settlement or resolution of the difficulty or dispute through the processes of collective bargaining.

(b). Contracts may be accepted by a majority vote of those members involved in negotiations and voting, or a majority of such members may direct further negotiations before a final vote on the employer's offer is taken, as directed by the Local Union Executive Board. When, in the judgment of the Local Union Executive Board, an employer has made a final offer of settlement, such offer must be submitted to the involved membership and can be rejected only by a two-thirds ($\frac{2}{3}$) vote of the members involved in the negotiations and voting or responding to a referendum mail ballot. If a settlement cannot be reached, the Local Union Executive Board shall order a secret ballot to be taken and it shall require a two-thirds ($\frac{2}{3}$) majority of those members of the Local Union involved in such negotiations and voting to adopt a motion to strike. The ballot must be "Yes" or "No" written on paper ballots or by approved mechanical device which assures secrecy. 10

the alternative, the Local Union Executive Board may conduct such strike vote by referendum mail ballot of the membership involved in such negotiations, in which event it shall also require a two-thirds ($\frac{2}{3}$) majority vote of those responding to the referendum mail ballot to authorize a strike. The failure of such membership to authorize a strike upon rejecting the employer's last offer shall require the Local Union Executive Board to accept such last offer or such additional provisions as can be negotiated by it.

A strike may be terminated by a majority vote of the involved members voting either by secret ballot or by mail referendum as directed by the Local Union Executive Board. The requirement that the employer's final offer of settlement can be rejected only by a two-thirds ($\frac{2}{3}$) vote shall not apply during a strike.

In any case where the General President believes that an employer has made a final offer of settlement but the Local Union Executive Board has refused to submit such final offer of settlement to the involved membership, the General President is authorized to submit such final offer to the involved membership by either secret ballot vote or by referendum mail ballot.

The General President or the General Executive Board is authorized to direct that strike votes be taken by a referendum mail ballot or that the final offer of settlement before or during a strike shall be

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taken by referendum mail ballot or by secret ballot vote.

The General President or the General Executive Board shall have the authority to conduct, under their supervision, secret ballot votes or mail referendum balloting on such basis as they may determine in accordance with Article VI, Section 1 (h) and in this regard the authority granted to the General President and the General Executive Board shall supersede any authority granted herein to the Local Union Executive Board and any action which may have already been taken under the direction of the Local Union Executive Board.

Where more than one Local Union is involved and Article XVI is not applicable, the votes required by this subsection shall be taken among all the involved members of the Local Unions involved, and the results shall become binding and effective on all Local Unions involved and their members. All decisions concerning said votes, including the question of whether to invoke the one-third/two-thirds rule of a final offer of settlement, shall be made jointly by the Executive Boards of the Local Unions involved. In the event the Local Union Executive Boards cannot agree, all such decisions shall be made by the General President.

(c). Prior to a Local Union becoming involved in a strike, boycott, lawsuit or any serious difficulty such Local Union shall immediately notify the Joint Council of which it is a member of any contemplated action, setting forth the action contemplated

and the nature of the difficulty. The Joint Council shall then take steps to approve or disapprove such contemplated action. The Joint Council shall notify the General President of the steps it has taken in respect to such contemplated action. The General President is authorized to approve, disapprove or modify the action of the Joint Council. Approval, disapproval, or modification of the action of the Joint Council or the Local Union by the General President shall not operate to impose any liability on the International Union or its officers or to make them parties to any such action. The International Union does not assume any liability of any nature to any person or persons simply by reason of such approval, disapproval or modification. In taking any action under this Section the International Union is not required and does not undertake to inquire into or pass upon the legality of any strike, work stoppage, or lockout under contracts or applicable state, provincial or federal law and assumes no responsibility in this respect.

(d). The Executive Board of a Local Union may, at its discretion, provide that the strike vote mentioned in Section 1 (b) above, be limited to the members employed in a particular division, craft, or place of employment, or under any specific contract. In cases of Area Conferences, the provisions of this Article, with respect to strike votes, shall be satisfied if two-thirds ($\frac{2}{3}$) of the Local Unions' members covered and voting have voted to strike in accordance with the provisions of this Article, in

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which event such strike vote shall apply to all the involved Local Unions affiliated with the Conference. Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement. Nor shall a strike vote be required for a strike in support of demands that an employer agree to the terms and conditions of an agreement already negotiated on a state, multi-state, multi-area or national, company-wide, or area basis. In such case the Local Union Executive Board, subject to the approval of the General President, may call the strike in support of its position, and may also with the approval of the General President, terminate such strike.

Payment of Benefits

Section 2. The General Executive Board shall have the power to pay out the entire treasury of the International Union to a Local Union that is ^{on} strike where the General Executive Board has recognized the strike as one properly subject to the payment of the constitutional benefits provided for herein.

Approval of General Executive Board

Section 3. Any Local Union going out upon strike without prior recognition thereof by the General Executive Board as being a strike properly subject to the payment of out-of-work benefits, under the provisions of this Constitution, may be denied financial benefits from the International Union provided

for by the Constitution, except, however, where less than two hundred (200) employees are involved, the General President or his authorized representative may approve the strike for the purpose of out-of-work benefits.

Out-of-work Benefits

Section 4. Out-of-work benefits in strikes recognized as properly subject to the payment of out-of-work benefits or relief in cases of lockouts, etc., shall be paid to all members not in arrears for dues in excess of one (1) month and otherwise in good standing, who are members of a Local Union not more than one (1) month in arrears in per capita tax, at the rate of twenty-five dollars (\$25.00) per week for the first four (4) payments and thirty-five dollars (\$35.00) per week for the fifth (5th) payment and thereafter; provided that whenever the total net assets of the International Union shall reach an amount more than five million dollars (\$5,000,000.00) below the amount of such assets as disclosed by the General Secretary-Treasurer's report to the 1957 Convention then, and in that event, the rate of out-of-work benefits shall revert back to ten dollars (\$10.00) per week for such period of time as such total net assets shall remain below such amount. Such out-of-work benefits will be payable at the end of the second (2nd) week of the strike or lockout; but in no case shall a fraction of a week's out-of-work pay be allowed nor the first (1st) week of a strike or lockout be paid for, provided that in the last week of a strike the first four (4) days or more

ART. XII, SEC. 5

of such strike shall be considered a week. Any arrearages for dues, and dues one (1) month in advance shall be deducted from the first (1st) payment of benefits and duly credited to the member or members so in arrears so as to maintain such member or members in good standing and preserve his or their rights, if any, to financial benefits. All members shall be entitled to the out-of-work benefits provided for herein for such a period of time as the General Executive Board shall determine.

Requirement for Payment of Out-of-work Benefits

Section 5 (a). No Local Union shall receive benefits from the International Union unless the Local Union has been six (6) months in good standing, provided that Local Unions chartered for a period of six (6) months or less prior to applying for benefits must have been in continuous good standing from the time of their chartering in order to be eligible for benefits. Benefits shall be paid to all other members employees of the primary employer at all terminals or places of employment of the primary employer involved if such member employees shall have become unemployed as a direct result of a strike involving other Teamster member employees which strike has been approved pursuant to Section 3, and benefits shall also be paid to member employees of an exclusive Contract Hauler employer if such member employees shall have become unemployed as a direct result of a strike involving other Teamster members.

employees of customers of the exclusive Contract Hauler, provided, the General Executive Board or the General President was advised of the possibility that such member employees might become unemployed as a direct result of such a strike and provided further the General Executive Board or the General President shall have approved the payment of benefits to such member employees at the time of approving the request for benefits. The General Secretary-Treasurer may at his discretion disburse benefit payments through a representative designated by him.

(b). A Local Union or member more than one (1) month in arrears for per capita tax or dues payable to the International Union, Area Conference, Joint Council, Local Union or any other subordinate body shall not be entitled to benefits; and should a Local Union or member become three (3) months in arrears for per capita tax, dues, fines, etc., they shall stand suspended and shall not be entitled to benefits for three (3) months after all arrears have been paid.

(c). No member of a Local Union on strike shall be entitled to weekly benefits unless he reports to the proper officers of the Local Union or International Union as prescribed by the Executive Board, and no member who shall receive a week's work (three (3) days to be considered a week) shall receive benefits. Any member refusing to work for an employer considered fair, while on strike, shall be debarred from all benefits.

(d). Notwithstanding the provisions of this Constitution, the General Executive Board (or the Gen-

ART. XII, SEC. 6

eral President if less than two hundred (200) employees are involved) may authorize the payment of out-of-work benefits in any case where it determines that such payment is in the best interest of the International Union.

(e). Notwithstanding the provisions of this Constitution, out-of-work benefits may be paid to employees who have designated the International Union or a subordinate body as their collective bargaining agent in connection with organizing campaigns even though the employees have not yet become members, subject, however, to the condition that there is otherwise full compliance with all other applicable provisions of the International Constitution concerning the payment of out-of-work benefits

(f). Prior to submission to the International Union all requests for the approval of out-of-work benefits shall be submitted to the appropriate Joint Council, Area Vice President and Area Conference for their recommendation as to whether the request should be approved or disapproved. The recommendations of the Joint Council, Area Vice President or Area Conference shall not be binding upon the General Executive Board, nor shall such recommendation be binding upon the General President in situations in which less than two hundred (200) employees are involved.

Reports

Section 6 (a). Concurrent with the request for approval of benefits in the event of strike or lock-

out, the Local Union Secretary-Treasurer shall send to the General Secretary-Treasurer a list of all members that the Local Union has determined will be eligible for the first week's benefits.

(b). The Local Union Secretary-Treasurer shall immediately notify the General Secretary-Treasurer the beginning date of strike or lockout. The General Secretary-Treasurer shall, on or about the end of the second (2nd) week and each succeeding week of strike or lockout, forward to the Local Union Secretary-Treasurer or his deputy a check covering a sufficient amount to pay each week's benefits, and he shall also furnish the Local Union with sheets in duplicate, listing all members declared eligible by the Local Union Secretary-Treasurer.

(c). The Local Union Secretary-Treasurer or deputy shall require each member to sign on the provided list for the amount he has received and shall then forward the original copy of the executed list to the General Secretary-Treasurer, retaining a carbon copy of the same in the Local Union's files. Any additions to or deletions from the original list of persons eligible for benefits for the next week shall be separately submitted.

(d). Receipt of properly executed lists in due time at the office of the General Secretary-Treasurer shall be an obligation of the Local Union, and subsequent payment to the Local Union by the International shall be contingent thereon.

(e). The Local Union Secretary-Treasurer shall

ART. XII, SECS. 7-9

immediately notify the General Secretary-Treasurer of the termination date of strike or lockout.

(f). Failure on the part of any Local Union to comply with the requirements set forth in this Section will be sufficient cause for discontinuance of payment of benefits to a Local Union.

Termination of Benefits

Section 7. The General President with the concurrent approval of three-fourths ($\frac{3}{4}$) of the General Executive Board, and after having given the subordinate body the right to appear before or make written submission to the General Executive Board before action is taken, shall have the power to terminate the financial aid of the International Union when satisfied upon facts and information in their possession that the support of a strike or lockout should cease.

Return of Unused Funds

Section 8. All moneys from the International Union remaining unused by the Local Union at the close of the strike or lockout shall be returned once to the General Secretary-Treasurer.

Lockout

Section 9. Among other circumstances, a declaration on the part of an employer, or a combination of employers, to the effect that their employees must cease their connection with the International Union or cease work, shall be deemed a lockout. In case lockout is reported to the International Union, the

General President, subject to the right of the Local Unions involved to appeal to the General Executive Board, shall have the authority to make a ruling on whether the difficulty is a bona fide lockout. Also a lockout shall be deemed to exist when an employer refuses to permit his employees to continue at work, unless such employees agree to a substantial and material breach of an existing agreement or refuses to permit work with or without stated reasons or conditions. In the event of a lockout, out-of-work benefits shall be paid under the same terms and conditions as set forth in Article XII, Section 4, excepting that neither strike votes nor prior notice to the International Union shall be required as a condition of eligibility and such out-of-work benefits shall be payable at the end of the second week of the lockout. Out-of-work benefits shall be paid to all other employees of the primary employer at all terminals or places of employment of the primary employer if such member employees shall have become unemployed as a direct result of a lockout, as defined in this Section, directed against other Teamster member employees of the primary employer. Out-of-work benefits shall also be paid to the employees of an exclusive Contract Hauler employer if such member employees shall have become unemployed as a result of a lockout, as defined in this Section, directed against any other Teamster member employees of customers of the exclusive Contract Hauler.

Section 10. Nothing herein contained concerning the manner of calling strikes or concerning the

ART. XII, SEC. 11

legality of strikes for the purpose of obtaining the payment of International Union out-of-work benefits shall affect the legality of the strike in respect to the employer against whom the Local Union instituted such strike; nor shall any provision contained herein concerning strike recognition for payment of out-of-work benefits be intended to constitute the International Union a party to such strike or lockout.

In approving the payment of out-of-work benefits under any Section of this Article XII the International Union is not required and does not undertake to inquire into or pass upon the legality of any strike, work stoppage or lockout under contracts or applicable state, provincial or federal law and assumes no responsibility in this respect.

Wage Scales and Approval Thereof

Section 11 (a). Two (2) copies of proposed collective bargaining contracts or amendments thereto shall be submitted to the Joint Council for approval before submission to the employer. The Joint Council shall in turn forward one copy, with the Joint Council's recommendation, to the Area Conference for approval before submission to the employer. If Joint Council exists proposals shall be submitted the State and Area Conferences for their approval. In those cases where the proposed contract is for operations which are already subject to an area-wide agreement or a prospective area-wide agreement is already planned, the proposed contract shall

be submitted to the Area Conference for approval before submission to the employer.

(b). Subordinate bodies shall send to the Research Departments of the International Union and the Area Conferences copies of all completed collective bargaining agreements, or amendments or extensions thereof, within sixty (60) days of execution together with a list of the names and locations of employers and number of employees covered by such agreements.

Each subordinate body shall, as of January 1 of each year, submit to the Research Departments of the International Union and the Area Conferences a list of agreements in effect, showing the name of the employer or employers parties thereto, location or locations, and the expiration date.

(c). Approval or disapproval by the International Union, Area Conference or Joint Council of wage scales or other agreements is not intended to impose any liability on such organization or its officers; and such organization and its officers do not assume any liability of any nature to any person or persons for such approval or disapproval.

(d). In such instances where the General Executive Board receives information of the proposed execution of a contract which affects the interest of either the members involved or any other members of the International Union by providing working conditions or earnings less than those prevailing in the area, it shall have the power to hold a hearing on such matters and may, by a majority vote, direct the

ART. XII, SEC. 12

subordinate body to refrain from executing such agreement, and in such circumstances no proposed agreement shall become valid and binding unless specifically approved by the General Executive Board. When such action is contemplated or taken, the employers involved shall be promptly notified of the necessity of specific approval by the General Executive Board before the contract involved may become valid and binding.

The General Executive Board shall also have the power to take such disciplinary action as it deems necessary after proper notice according to this Constitution in those cases where it finds that a subordinate body or its representatives have without cause executed agreements which adversely affect members of this International Union within the jurisdiction of the particular Joint Council, Area Conference or members covered by an area agreement.

Disputes Over Jurisdiction

Section 12. Where two (2) or more Local Unions are in dispute concerning jurisdiction, there shall be no work stoppage of the involved operation, but such controversy shall be submitted for determination to the Joint Council Executive Board. If any party to such dispute is aggrieved by the decision of the Joint Council Executive Board, it may appeal to the General President for the appointment of a special committee which in his discretion he may appoint for the purpose of holding a hearing and making a report and recommendations on the issues raised. The committee shall make its report and recommendations.

tions to the General Executive Board for its decision, which shall be final and binding. The parties shall not be entitled to any further hearing or appearances before the General Executive Board. Pending, and as a condition to, appeal and until such time as the General Executive Board makes its decision, any party taking an appeal under this Section shall comply with the decision of the Joint Council Executive Board unless the General President or the General Executive Board stays the effectiveness of the decision of the Joint Council Executive Board pending appeal.

Where two (2) or more Local Unions involved in a dispute concerning jurisdiction are affiliated with different Joint Councils, such controversy shall be submitted for determination directly to the General Executive Board and shall be governed by the same provision set forth above with respect to an appeal from the decision of a Joint Council Executive Board. Among other things, the General President, in his discretion, may appoint a special committee to hold a hearing and make a report and recommendations to the General Executive Board on the issues raised.

Every member of a Local Union, as a condition of becoming and remaining a member, acknowledges the right of the General Executive Board, in resolving a jurisdictional dispute, to transfer him from one Local Union to another.

Any Local Union violating this Section and engaging in any strike or work stoppage or refusing to

comply with the decisions so rendered in accordance with this Section, shall be subject to the appointment of a Trustee, revocation of charter, or such other penalty which the General Executive Board may propose.

This Section shall be applicable to any Local Union that does not appeal to the General Executive Board but fails or refuses to comply with a jurisdictional award rendered against the Local Union by the Joint Council Executive Board.

The General Executive Board, in its discretion shall have the authority to decide jurisdictional disputes on the basis of written submissions without the conduct of a hearing.

Any decision rendered in accordance with the procedures set forth in this Section shall take precedence over any arbitration award or decision of a joint grievance committee.

Government Employees

Section 13. Local Unions having members who are employed by any government, governmental agency or authority shall not, in their relationship to such government, governmental agency or authority, engage in any strike or other union activities which are prohibited by the law of such government, governmental agency or governmental authority. The General Executive Board may, in its discretion within the limits of the law, assist such Local Unions in their relationship with their public employers which assistance may include lawful financial sup-

port in the collective bargaining and disputes settle-
ment processes.

Parties to Contracts

Section 14. No subordinate body shall purport
to make the International Union or any other subor-
dinate body a party to, or refer to it as a separate
entity in, any collective bargaining or other agree-
ments without the express written consent of the
authorized officers of the International Union or of
the other subordinate body.

ARTICLE XIII

ASSISTANCE TO LOCAL UNIONS

General Assistance to Local Unions

Section 1. No Local Union shall receive financial
assistance from the International Brotherhood of
Teamsters unless the Secretary-Treasurer of said
Local Union has been bonded in accordance with
the provisions of this Constitution.

Assistance from Sister Local Unions

Section 2. All Local Unions affiliated with the
International Brotherhood of Teamsters, Chauf-
fers, Warehousemen and Helpers of America,
desiring financial aid or other monetary considera-
tions from sister Local Unions, must first receive
official approval and endorsement from the General
President.

ARTICLE XIV

**CHARTER MEMBERS AND
MEETINGS OF LOCAL UNIONS**

Section 1 (a). Charter members shall consist of the names forwarded to International Union headquarters with the application for charter.

(b). All new members presenting themselves for initiation shall receive upon request a free copy of the Constitution from the Local Union. However, any alleged failure to receive such copy shall not excuse a member from violation of any duty or obligation imposed upon him by his oath of office, initiation or membership.

(c). A Local Union by majority vote may keep its charter open for a term of thirty (30) or sixty (60) days after receiving the same.

Meetings

Section 2 (a). Membership meetings shall be general or special.

(1) General membership meetings shall be held monthly at such place and time as shall be designated by the Local Union Executive Board subject to disapproval by the membership, except where otherwise approved by the General Executive Board. The General Executive Board shall establish such conditions relative to the holding of meetings as in its judgment it deems advisable. Meetings may be suspended during any time.

ART. XIV, SEC. 2

(3) months between June and October by action of the membership at a meeting after reasonable notice of the intention to vote upon such question.

(2) Members in attendance at membership meetings shall have the right to express their views, arguments or opinions upon any business properly before the meeting subject to Local Union Bylaws and the rules and regulations adopted by the Local Union Executive Board pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or instigate any conduct which would interfere with the Local Union's performance of its legal or contractual obligations.

(3) The Local Union Executive Board is authorized to permit membership meetings to be held on a division, craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of the organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members. There shall be no limitation on the right of any member to be heard at any such separate meeting provided herein on all matters which apply to the general membership, but such member shall be permitted to vote only at such

ART. XIV, SEC. 2

separate division, craft or place of employment meeting to which he has been assigned.

When the Local Union Executive Board authorizes such meetings by division, craft or place of employment, each such meeting shall be conducted by the officers of the Local Union or by their designees and under the same procedures and rules as a general membership meeting, excepting only special meetings for limited purposes, such as voting on contracts or strikes, handling of grievances, etc.

On all matters which apply to the general membership, the votes of the meeting of each particular division, craft or place of employment shall be totaled to determine the action of the Local Union in such matter.

Members at each separate division, craft or place of employment authorized to hold separate meetings may vote separately on initiation fees, dues and assessments which may apply to them alone, if higher than the minimum applicable to the general membership, and may, when authorized by the Local Union Executive Board, vote separately on approval or disapproval of, or on matters arising under, contracts applicable only to them, and strikes or other activities in which only they will participate.

(b). Any Local Union failing to comply with this Section during the twelve (12) month period immediately preceding application for benefits, or, in the case of a Local Union chartered for less than twelve (12) months, during the period following its chartering, shall not be entitled to any financial

other benefits from the International Union; provided that the General Executive Board may, for good cause shown, waive the requirements of this Constitution in respect to the paying of financial or other benefits and authorize the paying of same. The General Executive Board may revoke the charter of any Local Union failing to comply with this Section.

ARTICLE XV

JOINT COUNCILS

Formation of Joint Councils

Section 1 (a). Whenever three (3) or more Local Unions are located in one (1) city they shall form a Joint Council, but where there are only a few Local Unions in small cities or towns adjoining or adjacent to large cities, they shall affiliate with the Joint Council in the large cities.

(b). In localities composed of small cities and towns, the General Executive Board shall decide when, where and by whom Joint Councils shall be formed. Should any dispute arise as to the jurisdiction of a Joint Council, it shall be decided by the General Executive Board.

(c). Whenever, in the judgment of the General Executive Board, the jurisdiction of a Joint Council should cover a wider area, the General Executive Board may so order.

(d). Whenever, in the judgment of the General Executive Board, it is not feasible to have Joint

ART. XV, SEC. 2

Councils in a state or states, the General Executive Board may establish a State or Multi-State Joint Council with which the Local Unions in the state or states must affiliate.

Whenever the words "Joint Council" appear in other sections of this Constitution, they shall mean Joint Council or State or Multi-State Joint Council.

Representation

Section 2 (a). Each Local Union shall be entitled to seven (7) delegates excluding its Business Agents.

(b). The seven (7) executive officers of each Local Union shall constitute the delegates to the Joint Council. Business Agents shall be entitled to the floor but cannot introduce a motion or vote.

(c). Any delegate to the Joint Council who does not attend at least twenty-five percent (25%) of the regularly scheduled meetings of the Joint Council in any one calendar year, unless excused by a majority of the delegates of the Joint Council present and seated, shall be disqualified as a delegate to the Joint Council for the balance of his term of office in the Local Union.

(d). Any complaint, protest or charge by any delegate concerning the conduct of a Joint Council election shall be made to the General President in writing, by registered or certified mail, within forty eight (48) hours setting forth the exact nature and specifications of the complaint, protest or charge and his claim as to how it has affected the outcome of the election. The General President shall decide

such complaint, protest or charge. The decision of the General President may be appealed to the General Executive Board from whose decision there shall be no further appeal.

Per Capita Tax

Section 3. Local Unions shall pay to the subordinate bodies with which they are affiliated the monthly per capita tax and assessments which shall be determined by the subordinate bodies in accordance with their Bylaws and such payments shall be made no later than the twentieth (20th) day of the succeeding month.

Judicial Power

Section 4 (a). Joint Councils shall have full power to adjust all questions of jurisdiction between Local Unions, subject to the provisions of Article XII, Section 12, to try cases against Local Unions, cases appealed from Local Unions, appeals by members, and to try individual cases which Local Unions refuse or neglect to try in accordance with the trial procedure provided for in Article XIX.

(b). Should any member violate his obligation by refusing to employ union men, or to patronize and assist members of the International Union, the member who may have been aggrieved shall present his case in writing to the Joint Council, or if there is no Joint Council, then to the General Executive Board and it shall hear and decide the case and report its decision back to each affiliated Local Union.

Joint Council Bylaws

Section 5. A Joint Council may make such Bylaws as it deems proper, provided they do not conflict with the laws of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. Such Bylaws and amendments thereto shall be submitted to the General President for approval and shall have no force nor effect until approved by the General President; regardless of approval, if any conflict should arise between such Bylaws or amendments thereto and the International Constitution or amendments thereto, the provisions of the International Constitution shall control. If the General President's office fails to approve the Bylaws the matter may be referred by the Joint Council to the General Executive Board.

Affiliation of Local Unions

Section 6. All Local Unions within the jurisdiction of the Joint Council shall affiliate with the Joint Council, comply with its laws and obey its orders.

Section 7. The officers of the Joint Council shall consist of a President, Vice President, Recording Secretary, Secretary-Treasurer and three (3) Trustees. These officers shall constitute the Executive Board of the Joint Council.

Only delegates to the Joint Council shall be eligible to serve as Joint Council officers. In the event that a Joint Council officer ceases to serve as

Local Union officer, he shall cease to be a Joint Council officer effective as of such time.

ARTICLE XVI

CONFERENCES

Establishment

Section 1. Experience has demonstrated that State, Multi-State, Multi-Area or National and Area Conferences and Trade Divisions are of value to this International Union and its affiliates. Therefore, Conferences and Trade Divisions shall be organized and chartered as subordinate bodies of the International Union for such geographical area, industries or companies as the General Executive Board may from time to time direct. They shall be at all times subject to the unqualified supervision, direction and control of the General President and they shall function under the rules prescribed by the Bylaws approved by the General President. A Policy Committee for the Conferences shall be elected by the delegates to such Conferences in accordance with the applicable provisions of Conference Bylaws. The International Constitution shall supersede Conference Bylaws in the event of conflict.

Conference Bylaws

Section 2. Each Conference shall submit Bylaws adopted by it to the General President for his approval, and such Bylaws shall not become effective until such approval has been obtained. The General

ART. XVI, SECS. 2-3

President reserves the right at any time to make such amendments or changes in approved Bylaws as he deems to be in the best interest of the International Union.

All action establishing Conference dues obligations and assessments shall be submitted to the General President for his approval prior to their becoming effective.

All Local Unions and Joint Councils must affiliate with and participate in the activities of the Area Conference and State, Multi-State, Multi-Area or National Conferences, if any, having geographic or awarded jurisdiction over such Local Unions and Joint Councils. All Local Unions must pay all dues and assessments to such Conferences no later than the twentieth (20th) day of the succeeding month.

The functions of State, Multi-State, Multi-Area or National Conferences shall be set forth in their Bylaws which must be approved by the General President.

International Directors

Section 3. The General President may appoint an International Vice President as International Director for each area to assist him in supervising and directing the activities of such Multi-Area or National, Area or Multi-State Conferences. Upon appointment, the International Directors shall become employees of the International Union, and not officers of the Conferences, unless elected as such.

officers pursuant to Section 1 of this Article, and their salaries as International Directors shall be fixed by the General Executive Board. The General President may assume the position of International Director.

**Area, Multi-Area or National,
Company-wide or Industry-wide Contracts**

Section 4 (a). If a majority of the affiliated Local Unions vote for area, multi-area or national, company-wide or industry-wide negotiations for an area, national, company-wide or industry-wide contract, all involved affiliated Local Unions shall be bound by such vote, must participate in such area, multi-area or national, company-wide or industry-wide bargaining and shall be bound by the contract approved as provided below. Upon completion of negotiations by a Conference, Trade Division, or by any Committee appointed by the General President, subject to the approval of the General Executive Board, to engage in negotiation of an industry, area, multi-area or national or company-wide contract, such contract shall be submitted to the membership covered by said contract proposal for their approval or rejection.

If a majority of the votes cast by Local Union members voting approve such contract it shall become binding and effective upon all Local Unions involved and their members. Local Unions which are parties to such contracts may not withdraw from such bargaining unit except upon six (6) months' notice and for good cause shown to the satisfaction

ART. XVI, SEC. 4

of the appropriate Conference, Trade Division or Committee, and approved by the General Executive Board of the International Union. If any Local Union believes that an area, multi-area or national company-wide or industry-wide contract proposal will deprive its involved members of better existing conditions of general application to all such involved members of the Local Union it may appeal to the General Executive Board which shall have the final authority to determine whether such alleged better general conditions shall be continued or shall yield to the overall gains of the proposed contract. Unless mutually agreed to, no Local Union shall suffer any economic loss. Where special riders or supplements applicable to one or more Local Unions are separately negotiated and agreed to, providing for wages, hours, fringe benefits or working conditions inferior to those prevailing under contracts negotiated under the provisions of this Section for the same classifications of work, such special riders or supplements shall first be approved by the Area Conference and the National Negotiating Committee before they shall become effective.

(b). In the event any Conference, Trade Division or Committee negotiates a contract which involves affects or relates to operations of the employer or employers within the jurisdiction of other Conferences, Trade Divisions or Committees, notice of intent to execute such contract shall be given the Conference, Trade Divisions, Committees or Local Unions involved in such other jurisdiction

who may within ten (10) days thereafter, protest the application of such contract in their area. Failure to file such protest shall be considered a waiver of any objections to such contract, but shall not be considered an acceptance of such contract as a substitute for, or in variance of, existing agreements to which the other Conferences or Local Unions are parties.

In the event of protest, and if the parties cannot adjust the same, the matter shall be submitted to the General Executive Board for its determination, and no such contract shall become finally effective as to such Local Unions as the General Executive Board may determine until the determination by the General Executive Board.

All employers negotiating contracts with Multi-State, Area, Multi-Area or National Conferences, Trade Divisions or Committees established by the General President, subject to approval of the General Executive Board, or with subordinate bodies, shall be provided with a copy of this Article at the time negotiations are started so they will have notice of the approval necessary for a binding contract. All provisions of Article XVI, Section 4 (a) and (b) shall be equally applicable to company-wide negotiations and contracts on an area, multi-state, multi-area or national basis.

The General President, subject to the approval of the General Executive Board, shall have the authority to appoint negotiating committees and

ART. XVI, SEC. 4

establish procedures for the negotiation of area, multi-area or national, company-wide and industry-wide agreements and for the submission of such negotiated agreements to the membership covered by the proposed contract for approval or rejection, and to do all things necessary to implement the enforcement of such agreements and compliance by Local Unions with the provisions of this Article and the procedures established thereunder.

Such negotiating committees shall have the authority, with the approval of the General Executive Board, to conduct contract ratification votes and strike votes on such area, multi-area or national, company-wide, industry-wide, or Local Union basis as the committee shall determine, and in the event the strike is authorized, the said committee shall have the authority, with the approval of the General Executive Board, to direct that the strike be conducted on such area, multi-area or national, company-wide, industry-wide, Local Union or such other selective basis as the committee shall determine; provided, however, that the results of ratification or rejection votes with respect to national agreements shall be determined on a cumulative basis of all votes cast by all affected voting members in all areas, with a cumulative majority vote necessary for acceptance, and a cumulative two-third ($\frac{2}{3}$) vote necessary for rejection of the final offer and strike authorization as provided in this Constitution. The requirement that the employer's final offer of settlement can be

rejected only by two-thirds (2/3) vote shall not apply during a strike.

This Article shall be broadly interpreted to carry out the intent and purpose of permitting national negotiations and national agreements in any industry in which the International Brotherhood of Teamsters has jurisdiction.

(c). A national contract covering members in the building and construction industry shall be ratified by majority vote of the Local Unions having and exercising jurisdiction over the work covered by the contract, with designated representatives of said Local Unions casting the vote of their respective Local Unions. If a majority of the Local Unions voting through such representatives approve such contract it shall become binding and effective upon all Local Unions involved and their members.

Section 5. The General President and the General Secretary-Treasurer may expend any funds of the International Union in payment of any and all expenses and to provide such services of the International Union without limitation deemed by them in their sole discretion to be appropriate to accomplish the negotiation, administration and enforcement of national agreements.

Section 6. The General Executive Board is empowered to amend, delete or add to Article XVI if at any time it believes such action will be in the interest of the International Union or its subordinate bodies.

**CHARTERED MISCELLANEOUS
LOCAL UNIONS**

Whenever there is not a sufficient number of any one (1) craft, a mixed Local Union may be formed. There shall be only one (1) Local Union of any craft chartered in any city, except in localities where it may be necessary, and in such cases the General Executive Board shall, after consultation with the Joint Council, have full power to determine the advisability of issuing a separate charter.

The General Executive Board is authorized by majority vote to approve the issuance of a separate charter to any group of members of any existing Local Union or Local Unions.

When a separate charter is issued to a separate group, the members within the jurisdiction of the newly chartered Local Union must be transferred to said new Local Union. It shall be incumbent upon the original Local Union to provide the necessary funds with which the newly constituted Local Union shall obtain its charter, with a maximum equivalent to three (3) months dues per member for the number being transferred unless the Local Union determines the amount shall be more. In no event shall the original Local Union be required to pay out more than fifty percent (50%) of its assets.

On the question of the issuance of a separate charter, the General Executive Board may, in its

discretion, conduct a referendum vote among all of the members of the Local Union or subordinate body, or of the members in any division, craft or place of employment, or under any specific contract, or on other similar basis as the General Executive Board may determine. The result of such referendum, if conducted, shall be advisory only.

ARTICLE XVIII

TRANSFER AND WITHDRAWAL CARDS

Duty to Accept Transfer Card

Section 1. It shall be compulsory upon every Local Union to accept the transfer card of a member in good standing with any Local Union of the International Union, without any extra charge or fees, except as set forth in the International Constitution; provided, however, the member seeking to transfer has already obtained employment within the jurisdiction of the Local Union; provided further, the member seeking to transfer shall comply with all rules and regulations set forth in this Constitution respecting transfer; and provided further, he shall comply with rules and regulations of the Local Union and its Constitution and Bylaws. A member who has transferred to a Local Union shall be entitled to the rights and privileges of membership in the Local Union in accordance with the rules and regulations of the Local Union.

Transfer Card

Section 2. This is to certify that the bearer

ART. XVIII, SEC. 2

hereof, Brother _____, whose name is written on the margin of this card in his own handwriting, is a member in good standing of Local Union _____, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and is entitled to all rights and privileges under our jurisdiction.

We recommend him to the friendship and protection of all members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, wherever he may be, and to free admission, provided he has been a member not less than six (6) months in the Local Union from which he transfers; otherwise he shall pay the difference in the initiation fee to the Local Union to which he transfers.

This card expires _____, 19_____, and is null and void after that date, unless renewed or deposited in accordance with the Constitution.

The member receiving this card will be suspended from all rights and benefits unless the card is renewed by the Local Union before its expiration. It will also be forfeited unless deposited within thirty (30) days after going to work in any town or city where there is a Local Union.

This card is issued in accordance with the provisions of Article XVIII, Section 1 and Section 3 of the International Constitution.

Given under our hands and the seal of the Local

Union No. _____, this _____ day of _____, 19_____.

(SEAL)

Deposit of Transfer Card

Section 3 (a). It shall be compulsory for a member working under the jurisdiction of another Local Union to procure a transfer card from the Local Union of which he is a member, and to deposit the same with the Local Union under whose jurisdiction he is working. Immediately upon going to work, or before if practicable, he shall make a request in writing to the Local Union of which he is a member and from which he seeks to transfer for the issuance of a transfer card to him, and shall also apply to the Secretary-Treasurer of the Local Union into which he is seeking to transfer for approval of that Secretary-Treasurer so to transfer. No transfer card shall be issued unless such approval has been obtained in writing attested to by such Secretary-Treasurer. Within forty-eight (48) hours after a member has received a transfer card he shall deposit the same with the Local Union to which he seeks to transfer, and upon such deposit the transfer shall become effective. Upon transfer the member is subject to the rules, Bylaws and agreements of the Local Union to which he has transferred. The Local Union from which a member has been transferred shall be obliged to refund to such member dues paid in advance to such Local Union covering the period from the end of the month in which such member has transferred to the end of the period for which

ART. XVIII, SEC. 4

such dues have been paid in advance. If a member continues to work under the jurisdiction of another Local Union after having been refused a transfer card or after having failed to apply for such transfer card as specified herein, or after the Joint Council has decided he should transfer, and he has refused, he thereby forfeits his membership, and his Local Union must not accept any more dues or furnish him with a button. Refusal to issue a transfer card or to approve a transfer may be appealed to the General President and thereafter to the General Executive Board in accordance with the appeal procedures provided for in this Constitution, excluding however, appeal to the Convention.

(b). When seeking transfer, such member shall present to the Local Union into which transfer is sought proper and satisfactory identification and also produce an official dues card stamped up to date. A maximum charge of fifty cents (50¢) shall be made for such transfer card. Salaried officers and employees of the International Union and subordinate bodies shall not be required to transfer from their respective Local Unions while employed by the International Union or the subordinate body.

(c). In no case shall the Local Union accepting a transfer card charge dues to the member for the month preceding such transfer if such dues have been previously paid.

Jurisdiction to Issue Honorable Withdrawal Card

Section 4 (a). Local Unions shall have jurisdic-

tion over the granting and acceptance of all honorable withdrawal cards and shall establish rules in their Bylaws not inconsistent with this Constitution to govern the issuance and acceptance of withdrawal cards with respect to members working within the various crafts and industries under their jurisdiction.

(b). A withdrawal card shall be issued to any member of a Local Union who has retired. However, a Local Union may provide in its Bylaws that retired members who have been issued withdrawal cards may continue as honorary members with the privilege of attending meetings.

Any incumbent officer of a Local Union who retires during his term of office, including an officer who is not employed by the Local Union, shall cease to hold any other office or position he occupies by virtue thereof, as of the effective date of his retirement. A retired officer shall not be required to take out a withdrawal card unless he has retired under a pension plan established by collective bargaining agreement.

(c). There shall be a maximum charge of fifty cents (50¢) to any member issued a withdrawal card, and it shall be the duty of the Secretary-Treasurer of the Local Union receiving such charge duly to record the payment thereof in his cash book and carry it to his ledger.

(d). Refusal or failure to grant an honorable withdrawal card or issuing a withdrawal card in alleged violation of this Constitution shall be subject to

ART. XVIII, SEC. 5

appeal in accordance with the appeal procedure provided for by this Constitution excluding, however, any appeal to the Convention.

(e). Withdrawal cards shall be issued and accepted in accordance with the provisions of this Section and Section 5 and shall be issued in the form prescribed by Section 5.

(f). The Local Union shall not charge an initiation fee on the deposit of a withdrawal card.

(g). To be eligible for a withdrawal card a member must have paid to the Local Union issuing the withdrawal card all dues and other financial obligations as a member, including dues for the month in which the withdrawal card is to be issued.

(h). The Local Union shall collect a month's dues for the month in which the withdrawal card is deposited. In no case shall the Local Union accepting the withdrawal card charge the member dues for the month in which it was issued.

Honorable Withdrawal Card

Section 5 (a). This is to certify that the bearer hereof, Brother _____, whose name appears in the margin of this card in his own handwriting, has paid all dues and demands and has withdrawn in good standing from membership in Local Union No. _____.

(b). This card entitles him to readmission to the Local Union from which this card was issued at any time, subject, however, to the provisions of subsection (e) of this Section.

(c). Any member of a Local Union refusing full-time employment when offered or leaving employment within the jurisdiction or going to work at another craft or occupation outside its jurisdiction on other than a temporary or part-time basis shall be given an honorable withdrawal card and cannot remain a member. A withdrawal card shall be issued to any member of a Local Union who has retired.

(d). Any ex-member out on a withdrawal card and desiring to return to membership, must first deposit his withdrawal card with the Local Union by which it was issued; and upon the withdrawal card being accepted, the member shall be subject to the rules and laws of the Local Union. Refusal of any Local Union to accept a withdrawal card shall be subject to appeal in accordance with the appeal procedure provided for by this Constitution, excluding, however, any appeal to the Convention.

(e). The Local Union must not accept a withdrawal card if the member has committed any offense while out on withdrawal card which would be injurious to union principles. Also, if the Local Union is paying benefits and the member has fallen into bad health or is liable to become a charge against the Local Union or International Union, acceptance of the withdrawal card can be refused by the Local Union. Likewise acceptance of a withdrawal card may be refused where adverse employment conditions exist.

Given under our hands and seal of Local Union

ART. XVIII, SEC. 6—ART. XIX, SEC. 1

No. _____, this _____ day of _____
19 _____

(Seal)

_____, Secretary.
_____, President.

Employment Within Jurisdiction of Sister Local

Section 6. When a member of a Local Union continues to work on a full-time basis within its jurisdiction and also obtains employment within the jurisdiction of a sister Local Union, he shall not be entitled nor required to transfer his membership, but he shall pay to the sister Local Union a periodic service fee (not in excess of the applicable membership dues) established and uniformly required by it from members of other Local Unions working within its jurisdiction. When a member of a Local Union continues to work on a part-time basis within its jurisdiction and obtains full-time employment within the jurisdiction of a sister Local Union, he shall be required to transfer to the sister Local Union and to pay the periodic service fee to his former Local Union. This provision is subject to applicable law.

ARTICLE XIX

TRIALS AND APPEALS

Trials of Local Union Officers and Members

Section 1 (a). A member or officer of a Local

nion charged by any other member of the Local Union with any offense constituting a violation of this Constitution, shall, unless otherwise provided in this Constitution, be tried by the Local Union Executive Board. If the member charged or preferring the charges is a member of such Board, or a member of the Local Executive Board is unable to attend the hearing for any reason, then the principal executive officer of the Local Union shall appoint a disinterested member as a substitute. If either the President or Secretary-Treasurer of the Local Union charged or is preferring the charges, or is unable to attend the hearing for any reason, the other officer shall appoint the substitute.

If both the President and Secretary-Treasurer of the Local Union are charged or are preferring the charges, or for any reason are unable to attend the hearing, the remaining members of the Local Union Executive Board shall appoint the substitutes. Charges by or against a majority of the members of a Local Union Executive Board shall be filed with the Secretary-Treasurer of the Joint Council for trial by the Joint Council Executive Board.

(b). Whenever charges are preferred against any member or officer of a Local Union, the charges shall be filed in writing in duplicate with the Secretary-Treasurer of the Local Union, Joint Council General Executive Board which is to try the case. No member or officer of a Local Union shall be tried unless he or she shall be served by the Secretary-Treasurer, personally or by registered or

ART. XIX, SEC. 1

certified mail, with a written copy of such charges specifying the nature of the offense of which he or she is accused. Thereupon, the accused shall be required to stand trial at the time and place designated, which shall not be less than ten (10) days from the date the charges are served upon the accused. The accused may appear in person, and with witnesses, to answer the charges preferred against him or her. The accused may select only a member of his Local Union to represent him in the presentation of his defense; and the charging party may select only a member of his Local Union to assist him in the presentation of the evidence in support of the charges. The Local Union Executive Board shall have the authority to determine the manner of reporting the proceedings and shall have the authority to exclude any method not authorized by it.

(c). A member of one Local Union shall have the right to file charges against a member of another Local Union. Such charges must be filed with the Executive Board of the Local Union of which the accused is a member. The Executive Board may, at its discretion, decline to process the charges. However, a decision of the Executive Board not to process the charges may be appealed in accordance with the provisions of Section 2.

(d). If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose disciplinary actions as provided for in this Constitution. If the charges are not sustained,

the same shall be dismissed.

(e). Upon filing of such charges and if the same are of such magnitude and seriousness as to jeopardize the interests of the Local Union or International Union, then, and in that event, the General President, if the matter is brought to his attention, may, if he deems it advisable, immediately suspend such member or officer from membership or office in the Local Union until a decision has been rendered in the case.

(f). No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded.

(g). Charges may be preferred against a suspended member or an ex-member who has been issued a withdrawal card.

Appeals of Local Union Officers and Members

Section 2 (a). In the event disciplinary action is taken against the accused, he or she may take an appeal from the decision of the Local Union Executive Board to the Executive Board of the Joint Council, if one exists; otherwise the appeal shall be taken to the General Executive Board. Appeals from decisions of the Executive Board of Joint Councils may be taken to the General Executive Board. In all matters involving officers of subordinate bodies and individual members there shall be no further appeal from the decision of the General Executive

ART. XIX, SEC. 2

Board. Where elective officers of the International Union are involved, and as to all other matters specifically excluded herein, appeals from decision of the General Executive Board may be taken at the next Convention. All manner of appeals shall be taken within fifteen (15) calendar days from the date the decision is placed in the mail or otherwise transmitted to the interested parties.

(b). The appellant shall mail a written notice of such appeal to the Secretary of the body to which the appeal is directed. No specific form or formalities shall be required, except that such notice shall clearly state an appeal is being taken from the particular decision rendered in the particular case. Pending any appeal, the decision appealed from shall remain in full force and effect. Appeals shall be heard either on the record made before the trial tribunal or by a re-trial, at the discretion of the body hearing the appeal. Decisions on appeals shall be rendered as promptly as possible after the appeal has been heard. The date when an appeal will be considered by the appellate body may be fixed by the body, but it shall proceed without unnecessary delay. Notice of the date when the appeal will be heard shall be served personally or by registered or certified mail on the parties interested in the particular case, and such parties may, at the discretion of the appellate body, be accorded the right to appear before the appellate body and present argument on the case.

(c). If a member of the Executive Board of the

ART. XIX, SEC. 2

Joint Council is involved in a case as a party or witness or is unable to attend the hearing for any reason, a substitute shall be appointed from among the delegates to the Joint Council in accordance with the same procedures set forth in Article XIX, Section 1 (a), governing the appointment of substitutes on the Local Union Executive Board.

If a member of the General Executive Board is involved in a case as a party or witness or is unable to attend the meeting at which the General Executive Board decides the case, the remaining members of the General Executive Board shall be empowered to decide the case.

(d). Failure of any interested party in any case to appear before any trial or appellate body at the time and place designated in the notice shall constitute a waiver of appearance and the trial shall proceed or the appeal be heard regardless of the absence of such party. If the charging party fails to appear in person and/or present evidence before any trial or appellate body on the date set for trial or hearing, the charges shall be dismissed; such dismissal shall constitute a final adjudication from which there can be no appeal and after such dismissal the accused may not be retried on the same charges.

(e). Any party to a case, regardless of whether such party is the accused or not, being aggrieved of a decision rendered in the case shall be entitled to the same rights of appeal as are hereinbefore provided for accused.

(f). The charging party, the accused and the Local

ART. XIX, SEC. 3

Union Executive Board may select only a member of the Local Union to represent them at a hearing conducted before any appellate body.

Trials and Appeals of Local Unions, Other Subordinate Bodies and Elective International Union Officers

Section 3 (a). Whenever charges are preferred against a Local Union or against a Joint Council or other subordinate body, such charges shall be filed in writing in duplicate with the Secretary of the trial body, and shall be served personally or by registered or certified mail on the Secretary-Treasurer of the Local Union or the Joint Council or other subordinate body so charged. If the charges are against the Local Union the trial shall be by the Executive Board of the Joint Council, provided that if a Local Union is not affiliated with a Joint Council due to the fact that no Joint Council exists with which such Local Union can affiliate, the trial shall be by the General Executive Board. If the charges are against a Joint Council or other subordinate body, the trial shall be before the General Executive Board. The provisions of this Section shall also be applicable when the Executive Board of the subordinate body is charged or is the charging party.

(b). A Local Union shall be accorded thirty (30) days time in which to appear for trial and submit its defense. In the case of a Joint Council or other subordinate body the time of trial shall be fixed by the General Executive Board.

(c). Appeals from decisions on charges against Local Unions or Local Union Executive Boards shall be taken to the General Executive Board and from it to the Convention. Appeals from decisions on charges against Joint Councils or other subordinate bodies shall be taken to the Convention by only the Joint Council or other subordinate body involved. In all other respects the procedure on appeals shall be the same as provided in Section 2.

(d). Trial of elective International Union officers shall be only before the General Executive Board at such time and place as fixed by the General Executive Board. The officer charged shall be found guilty only on a two-thirds ($\frac{2}{3}$) vote of the entire General Executive Board. Appeals by such general officers from decisions of the General Executive Board shall be to the Convention. Charges against elective officers of the International Union or any subordinate body shall be limited only to those activities or actions occurring during their current term of office, and only those activities and actions occurring prior to their current term which were not then known generally by the membership of the International Union or the subordinate body in the case of an officer of a subordinate body.

(e). Emergency powers provided for in Section 10 of this Article shall apply with the same force and effect to Local Unions and Joint Councils and other subordinate bodies.

Original Jurisdiction of General Executive Board to Try Offenses Against International Union

Section 4 (a). Notwithstanding any other provision of this Constitution, the General Executive Board shall have jurisdiction to try individual members, officers, Local Unions, Joint Councils or other subordinate bodies for all offenses committed against the officers of the International Union or the International Union. In the event charges have been filed or hearings are pending before a subordinate body in respect to any offense over which the General Executive Board has assumed jurisdiction under this Section, the jurisdiction of such subordinate body shall forthwith terminate and the subordinate body shall, upon request of the General Executive Board, transfer all of its records and papers pertaining to the case to the General Executive Board.

(b). Charges shall be filed in duplicate in writing with the General Secretary-Treasurer or the General President. A copy of the charges shall be served personally or by registered or certified mail upon the accused, together with notice of the time and place of trial.

(c). If the accused are unable to be present at the meeting of the General Executive Board, they may present their case in writing.

Trials and Appeals Before Panels of Executive Boards

Section 5. In a case where a trial or hearing is

appeal before the General Executive Board or the Executive Board of any subordinate body is required under the provisions of this Constitution, such Board or the General President or the President of the Executive Board involved, as the case may be, may have such trial or hearing on appeal conducted before a panel appointed by the General President or the President of the subordinate body, as the case may be. Such a panel shall consist of one or more disinterested persons and shall act on behalf of such Board in the holding of hearings and the taking of evidence. The panel shall make a full report in writing to the Board, including findings and recommendations for disciplinary action, if any. The ultimate decision of the case, however, shall be made by the Board itself. The parties to the appeal shall not be entitled to further hearing or further personal appearance before the General Executive Board.

The General Executive Board, in its discretion, shall have the authority to decide any appeal on the basis of written submissions without the conduct of a hearing.

**Grounds for Charges Against Members,
Officers and Subordinate Bodies**

Section 6. The basis for charges against members, officers, elected Business Agents, Local Unions, Joint Councils or other subordinate bodies for which he or it shall stand trial shall consist of, but not be limited to, the following:

- (1) Violation of any specific provision of the

ART. XIX, SEC. 7

Constitution or failure to perform any of the duties specified thereunder.

- (2) Violation of the oath of loyalty to the Local Union and the International Union.
- (3) Embezzlement.
- (4) Secession, or fostering the same.
- (5) Abuse of fellow members and officers by written or oral communication.
- (6) Abuse of fellow members or officers in the meeting hall.
- (7) Filing charges in bad faith or out of malice.
- (8) Any action which is disruptive of or interferes with the performance or obligations of other members or Local Unions under collective bargaining agreements.
- (9) Crossing an authorized picket line established by the member's Local Union or any other subordinate body affiliated with the International Union.

Specific Offenses

Section 7. Any member who (1) knowingly goes to work or remains in the employment of any person, firm or corporation, whose men are on strike or locked out, unless he has permission of the International Union, the Joint Council or his Local Union, may be tried by the Executive Board of his Local Union. Any member who (2) knowingly gives, or attempts to give, directly or indirectly, any information to any employer on an unfair list of whose men are on strike or locked out, or whose men are trying to secure an agreement or an im-

ovement in their working conditions, or whose
en are trying to prevent an increase in hours of
abor or a decrease in wages, for the purpose of
sisting such employer, or for any gain or prom-
e of gain, or who (3) knowingly goes to work or
nains in the employment of any person, firm or
orporation on an unfair list of the International
nion without permission from the International
nion, the Joint Council or his Local Union, may
e tried in the manner provided for the trial of
her offenses.

Refusal to Return Records

Section 8. Any member (1) who wrongfully takes
retains any money, books, papers or any other
roperty belonging to the International Brotherhood
Teamsters, Chauffeurs, Warehousemen and Help-
ers of America, any Joint Council, Local Union, or
other subordinate body or (2) who destroys any
books, bills, receipts, vouchers, or other property of
the International Brotherhood of Teamsters, Chauf-
feurs, Warehousemen and Helpers of America, any
Joint Council, Local Union or other subordinate
body, may be tried in the manner provided for the
trial of other offenses.

Decisions and Penalties

Section 9 (a). Decisions and penalties imposed
on individual members, officers, elected Business
Agents, Local Unions, Joint Councils or other subor-
dinate bodies found guilty of charges may consist
of reprimands, fines, suspensions, expulsions, revo-

ART. XIX, SEC. 9

cations, denial to hold any office permanently or for a fixed period or commands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine, then the same must be paid pending an appeal, if one is taken, unless the General President upon request waives payment pending appeal. A Local Union ordered to reinstate a member or perform an act other than the payment of a fine must comply therewith as a condition precedent to taking an appeal unless the General President or the General Executive Board suspends such order pending the appeal. If the fine is assessed by a member or officer of a Local Union, assessed by the Local Union, it shall be paid into the treasury of the Local Union. If a fine is assessed against a Local Union by a Joint Council, the payment shall be to the treasury of the Joint Council.

(b). If the fine is assessed when the General Executive Board has assumed original jurisdiction, it shall be paid to the treasury of the International Union.

(c). When such penalty consists only of a fine and an appeal is taken, such fine shall be deposited as above provided; thereupon such member, elected Business Agent, officer or Local Union shall be permitted to continue in the Local Union with full rights and privileges in accordance with the laws of the International Union. If on appeal the decision is reversed and the fine disallowed, then same shall be returned to the party depositing same. Whenever a decision is handed down by

trial or appellate body and an appeal is taken, such decision shall stand and remain in full force and effect until reversed by a higher body unless the General President upon request stays the effectiveness of the decision pending appeal.

(d). In the event of non-compliance with the decision handed down by a trial or appellate body, the member, elected Business Agent, officer, Local Union, or Joint Council shall stand suspended from all privileges of the International Union until the provisions of the decision have been complied with, unless the General President has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal.

(e). Any expelled member may be subsequently reinstated to membership in the Local Union from which expelled, or permitted membership in another Local Union, only by the action of the General Executive Board.

(f). Any member or Local Union that is tried by the General Executive Board cannot be tried for the same offense by a Local Union or Joint Council.

(g). The General Executive Board may send a case back to the Joint Council, the Local Union, or other hearing body or officer for further hearing, production of additional testimony, or for further

ART. XIX, SEC. 10

consideration with or without such further hearing.

Emergency Power in General President To Conduct a Trial When Welfare of Organization Demands

Section 10 (a). Whenever charges involving a member or members, officer or officers, Local Union, Joint Council or other subordinate body create, involve or relate to a situation imminently dangerous to the welfare of a Local Union, Joint Council, other subordinate body or the International Union, the General President is empowered, at his discretion, in all cases, except where the General Executive Board has assumed jurisdiction under Section 4 of this Article, to assume original jurisdiction in such matter, regardless of the fact that charges have been filed with a subordinate body and are pending. When the General President has assumed such original jurisdiction, under this Section, the jurisdiction of the subordinate body shall cease. Under such circumstances, the General President shall hold a hearing upon giving not less than forty-eight (48) hours notice to the party or parties charged to appear before him at a place and time designated by him. He shall then proceed to hear and try the matter and render judgment in accordance with the facts and circumstances presented to him. When the General President has so acted, an appeal shall lie from his decision to the General Executive Board, and from the General Executive Board to the Convention in the same manner and to the same extent only as is provided for appeals in other cases.

Pending appeal from the General President's action, his decision shall stand and be enforced.

(b). When the General President deems it necessary to exercise the foregoing emergency power, he may deputize a representative or representatives to act for him in such matter. Such representative shall have the same power as the General President as herein provided; however, when a trial shall be conducted by a representative or representatives of the General President, such representative or representatives shall make his or their recommendations to the General President, orally or in writing, and the decision in the case shall be made by the General President himself.

Refusal of Local Union to Try Member

Section 11. If a Local Union refuses to try its members when charges have been preferred by another Local Union, for any cause whatsoever, the Local Union preferring the charges may then bring the charge before the Executive Board of the Joint Council, where one exists, for trial and decision in the same manner as trials before the Local Union Executive Board. If no Joint Council exists, then the matter shall come within the jurisdiction of the General Executive Board.

Exhaustion of Remedies

Section 12 (a). Every member, officer, elected Business Agent, Local Union, Joint Council or other subordinate body against whom charges have been

ART. XIX, SEC. 12

preferred and disciplinary action taken as a result thereof, or against whom adverse rulings or decisions have been rendered or who claims to be aggrieved, shall be obliged to exhaust all remedies provided for in this Constitution and by the International Union before resorting to any court, tribunal or agency against the International Union, any subordinate body or any officer or employee thereof.

(b). Where a member, officer, elected Business Agent, Local Union, Joint Council or other subordinate body, before or following exhaustion of all remedies provided for within the International Union, resorts to a court of law and loses his cause therein, all costs and expenses incurred by the International Union shall be assessed against such individual, Local Union, Joint Council or other subordinate body, in the nature of a fine, subject to all penalties applicable where fines remain unpaid.

Where such court action is by an individual or by a Local Union, Joint Council or other subordinate body against a Local Union, Joint Council or other subordinate body, the foregoing provision in respect to the payment of costs and expenses shall be applicable in favor of the Local Union, Joint Council or other subordinate body proceeded against in court.

(c). The appeals procedure provided herein is also available to and must be followed by any member who is aggrieved by any decision, ruling, opinion or action of the Local Union, membership officers or Executive Board, excluding collective bargaining matters.

ART. XIX, SEC. 13—ART. XX

Section 13. All decisions following trials or hearings should be made and rendered within sixty (60) days of the date the hearing or trial commenced, unless otherwise ordered by the General Executive Board. This time requirement shall not be mandatory but is only directory.

ARTICLE XX

DISSOLUTION

No Local Union can dissolve, secede or disaffiliate without the approval of the General Executive Board while there are seven (7) dissenting members; no Joint Council can dissolve, secede or disaffiliate without the approval of the General Executive Board while there are two (2) dissenting Local Unions; nor can this International Union dissolve while there are seven (7) dissenting Local Unions. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of such Local Union or Joint Council or other subordinate body shall become the property of the International Union as specified in Sections 13 and 14 of Article X, hereof. Under no circumstances shall any Local Union or Joint Council distribute its funds, assets or properties, or any part thereof, individually among its membership. To ascertain whether or not seven (7) members desire to retain the charter, there shall be subtracted from the complete membership list for the current month the name of each member in good standing who has, during

ART. XXI—ART. XXII, SEC. 1

the current month, submitted to the General Secretary-Treasurer a personally signed, notarized, individual affidavit attesting to his desire to sever his membership in the Local Union and International Union. Such affidavit shall be forwarded to the General Secretary-Treasurer in the month in which it is signed. It shall be conclusively presumed that all who have not executed such individual affidavits still desire to retain the charter.

ARTICLE XXI

LABOR DAY

We recognize the first Monday in September ^{as} Labor Day, except in states where another day ^{is} provided by law, and call upon all Local Unions ^{to} observe the same. It is advisable for Local Unions to observe the day as best adapted to their locality.

ARTICLE XXII

LOCAL UNIONS

Bylaws

Section 1. Each Local Union shall adopt its ^{own} separate Bylaws which must comply, and may not conflict, with the provisions of the International Constitution. Said Bylaws shall designate as ^{the} principal executive officer the President, ^{the} Secretary-Treasurer or the Recording Secretary.

Officers

Section 2. The officers of the Local Union shall consist of a President, Vice President, Recording Secretary, Secretary-Treasurer and three (3) Trustees. These officers shall constitute the Executive Board of the organization. The meetings of the General Executive Board, Conference Policy Committees and the Executive Boards of Local Unions and all other subordinate bodies shall be open only to those persons who have been specifically permitted to attend by such Boards or Committees.

Terms of Office

Section 3. The term of office of Local Union officers and elected Business Agents shall be no longer than that of International officers or that provided for by law and shall not be for a lesser period than three (3) years; provided, however, that in the case of Local Unions in which the terms of office at the time of the adoption of the 1971 Constitution do not expire at the same time, those offices, the terms of which expire prior to the date of the next general election in the Local Union, shall be filled for a term ending as of the time of the next general election, and those offices, the terms of which expire after the next general election of the Local Union, shall be filled only for a term ending as of the time of the general election following the election for such office.

When an election is held in connection with the release of a Local Union from Trusteeship, the

ART. XXII, SEC. 3

terms of the officers elected shall commence as of the effective date the Local Union is formally released from Trusteeship by the General President and shall terminate on December 31 of the second full year thereafter.

A member may hold office in more than one Local Union only with the approval of the General President, even though the person involved has not been a member of the second Local Union prior to holding office. Such officer shall be entitled to be a Joint Council delegate representing each Local Union in which he is an officer and shall be entitled to cast a vote on all matters in behalf of each Local Union. International Union officers and International Union Trustees who are receiving retirement benefits based solely on their services as such officers may hold a salaried office in a subordinate body.

During the term of office of any officer of a Local Union or other subordinate body no action under any circumstances may be taken to affect or modify the basic powers and duties of the incumbent officer, as established by the Bylaws or past practice. During the term of office of any officer or elected Business Agent of a Local Union or subordinate body his salary may not be reduced an unreasonable amount as a subterfuge to force his resignation. Any reduction in salary during a term of elected office in a Local Union or subordinate body shall be made only on the basis of adverse change in financial condition as attested to by the General Secretary-Treasurer of the International Union.

Any modification of the basic duties and powers of an office and any reduction in salary of an officer, except as provided above, may be made effective only as of the beginning of the next term of office.

Nomination and Election of Officers

Section 4 (a). Nomination of officers and elected Business Agents shall take place in November or December. Nominations shall be made at a general or special membership meeting or at a meeting of each separate division, craft or place of employment authorized by the Local Union Executive Board to hold separate meetings. If nominations are held at separate division, craft or place of employment meetings the members may nominate candidates from their own or any other division, craft or place of employment for election to union office. A member otherwise eligible to run for office shall become a bona fide candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person, or, if absent, in writing, and may accept nomination for only one office. A member may also run for and be elected as a Business Agent or Assistant Business Agent as provided in Article XXII, Section 8, and may hold both the office and the position if elected to both. After a candidate has accepted

ART. XXII, SEC. 4

nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed. If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event the name of the deceased nominee shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office.

(b). The election shall be held at such place of places and at such time, not earlier than thirty (30) days after the nomination meeting, as may be designated by the Local Union Executive Board. The election shall be by secret ballot to be placed in boxes, unless the Executive Board of the Local Union has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote, the election box or boxes or machine or machines however to be located at a place or places designated by the Local Union Executive Board; balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m., and it shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election, including grant of the right to each nominee in such election of at least one (1) observer at the candidate's own expense at each polling place who must be a member of the Local Union in good standing. Voting by writing in the

name of a person who was not duly nominated shall not be permitted. Any ballot shall be declared void if it contains any mark other than the voting mark. The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. The General President shall also have the authority to direct the use of mail referendum balloting or absentee balloting without membership approval, any action of the Local Union Executive Board to the contrary notwithstanding.

(c). To be eligible to vote in the election, a member must have his dues paid through the month prior to the month in which the election is held. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto except in the case of trustees in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote the candidates shall resolve such tie by lot. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Where the nominee is unopposed at the regularly designated nomination meeting, there shall be no necessity for the election of such nominee and he shall be declared duly elected at such nomination meeting, effective

ART. XXII, SEC. 5

as of the conclusion of the term of the previous incumbent.

(d). The General President is authorized to change the time and place of nomination and election provided for in this Section.

Nomination and Election Protests

Section 5 (a). Any member who desires to challenge a ruling that he is ineligible to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee, who shall decide such an appeal within seven (7) days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution. In the event there shall be any protest or charges made concerning an election by any member prior to the holding of the election, such protest or charge shall be made in writing by registered or certified mail by such member within forty-eight (48) hours of his knowledge of the event complained of and shall specify the exact nature and specifications of the protest. Such protest or charges shall be made to the Local Union Secretary-Treasurer who shall refer the protest or charges to the Local Union Executive Board for disposition. The decision of the Local Union Executive Board shall be appealable pursuant to the provisions of Article VI, Section 2 of the International Constitution.

(b). In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by registered or certified mail by such member within forty-eight (48) hours setting forth the exact nature and specifications of the protest and his claim as to how it has affected the outcome of the election. Such protest or charges shall be made to the Secretary-Treasurer of the Joint Council with which the Local Union is affiliated and the protest or charges shall be referred to the Joint Council Executive Board for disposition. The decision of the Joint Council Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention, in accordance with the provisions of Article XIX of the International Constitution to the extent that such provisions may be applied to an election protest or charges.

(c). If votes are challenged, such challenge shall be made in writing at the time of the election with specific reasons given for such challenge.

Election of Additional International Convention Delegates

Section 6. The provisions of this Constitution governing the conduct of the nomination and election of Local Union officers shall also govern the conduct of the election of additional delegates and/or alternates to the International Convention which

ART. XXII, SECS. 7-9

may be conducted pursuant to the provisions of Article III, Section 5.

Seasonal Workers

Section 7. The regular nominations and elections in Local Unions, having a substantial number of seasonal workers in their membership, shall be held at such dates and times as the General President shall designate in the year provided for in the Local Union Bylaws, and in conformance with all other provisions of the International Constitution pertaining to nominations and elections.

Business Agents

Section 8. The Business Agents and Assistant Business Agents of a Local Union may be elected in the same manner as officers are elected, or appointed in the manner provided by the Local Union Bylaws. Elected Business Agents or elected Assistant Business Agents may be removed only according to the trial procedures set forth in this Constitution or Local Union Bylaws. Appointed Business Agents or appointed Assistant Business Agents may be removed at will by the appointing authority.

Vacancies

Section 9. The Local Union Executive Board and the Executive Board and/or the Policy Committee of all other subordinate bodies shall fill by appointment all vacancies in elected offices which occur during the term of such office for the unexpired term. Vacancies in the position of elected

Business Agents or elected Assistant Business Agents shall be filled by appointment by the person or persons designated in the Local Union Bylaws.

ARTICLE XXIII

**DUTIES OF LOCAL UNION
SECRETARY-TREASURERS**

Section 1. Prior to taking office Local Union Secretary-Treasurers shall comply with the provisions of Article X, Section 7 and any applicable law.

Section 2. Local Union Secretary-Treasurers shall enter all receipts in the name of the Local Union and shall deposit all moneys in accordance with Article X, Section 9.

Section 3. When Local Union Secretary-Treasurers pay bills by check, such checks must bear the signature of any two (2) of the following: the Local Union President, the Local Union Secretary-Treasurer, or one (1) other officer or elected Business Agent. In the event that two (2) or all of these officers become ill or otherwise incapacitated the Local Union Executive Board shall designate substitutes for the purpose of signing such checks.

Section 4. Local Union Secretary-Treasurers shall maintain a bookkeeping system as prescribed by the General Secretary-Treasurer and approved by the General Executive Board.

Section 5. Local Union Secretary-Treasurers must pay to the General Secretary-Treasurer the initiation

ART. XXIII, SECS. 6-9—ART. XXIV

fee and per capita tax as prescribed in Article X, Section 3.

Section 6. Local Union Secretary-Treasurers must report additions, deletions and corrections to the original magazine mailing list of the Local Union to the General Secretary-Treasurer on a current basis.

Section 7. Local Union Secretary-Treasurers can not and must not carry any men on their books as members of the organization and mark them exempt from paying dues, unless there has been a waiver by the General Executive Board.

Section 8. Local Union Secretary-Treasurers shall forward to the Office of the General Secretary-Treasurer the names of the officers of the Local within thirty (30) days after their election or appointment to office, using the system and forms prescribed by the General Secretary-Treasurer.

Section 9. Local Union Secretary-Treasurers shall forward to the Office of the General Secretary-Treasurer copies of all reports filed by the Local Union with all governmental agencies.

ARTICLE XXIV

SERVICE OF PROCESS ON INTERNATIONAL UNION

Only the elected officers of the International Union are authorized to be its agents for service of process. General Organizers, staff members and employees of the International Union and the officers

ART. XXV—ART. XXVI, SECS. 1-2

and employees of subordinate bodies are not authorized to be agents of the International Union for service of process under any circumstances.

ARTICLE XXV

DEFINITION OF EXECUTIVE BOARD

Unless specifically provided otherwise, wherever this Constitution provides for action by the Executive Board of the International Union or any subordinate body, the words "Executive Board" shall mean "a majority of the members of the Executive Board present and voting at a duly called meeting."

ARTICLE XXVI

SAVING CLAUSES

Section 1. The provisions of this Constitution relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all such financial obligations imposed by or under this Constitution and Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Section 2. If any provision of this Constitution

ART. XXVI, SEC. 2

shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of a state, provincial or federal government, the General Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

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